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A THEORY BASED APPROACH TO MANAGING ILLEGAL IMMIGRATION INTO SOUTH AFRICA

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Thesis presented for the degree of Master of Management (Security)
to the Faculty of Commerce, Law and Management,
University of the Witwatersrand

March 2012

DECLARATION

I declare that this thesis/dissertation is my own, unaided work. I submit it in partial fulfilment of the requirements of the degree of Master of Management (Security) in the University of the Witwatersrand, Johannesburg. I have not submitted this report before for any other degree or examination in any other University.

Cleophas Letsiri

Johannesburg, March 2012

ABSTRACT

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Thesis title: A theory based approach to managing illegal immigration into South Africa

The concern over the issue of illegal immigration into South Africa has resulted in widespread incidents of violent confrontation between the noted illegal immigrants and especially the impoverished South Africans. The need to manage illegal immigration effectively and efficiently is one of the primary issues around preserving the security of all South Africans and the state. There are good policies to address illegal immigration into the country but implementation is the major challenge confronting authorities. The study employed document analysis to provide answers to the research question. The researcher complemented the approach with interviews. One of the major findings was the need to close gaps in managing illegal immigration into South Africa and to ensure that all the state institutions work cooperatively in stamping out illicit activities accompanying illegal immigration into the country. Illegal immigration is manageable.

Johannesburg, March 2012

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1 INTRODUCTION

1.1 Introduction to migration and related concepts

Migration is the movement of people from one society to areas where their standards of living are likely to improve (Gebrewold 2007). Statistics South Africa (2004: 27) gives the following definitions:

"Migration describes the movement into and out of countries, and within countries, from non-urban to urban areas or the other way around, or from one province or state to another. Internal migration is defined as the movement of people between provinces within South Africa. International migration is defined as the movement to and from South Africa. Documented immigration refers to residents of other countries who have been accepted as permanent residents in South Africa, and the permanent status could be given either before or after arrival in South Africa. The expression is used to distinguish such immigrants from undocumented and illegal immigrants".

Various concepts are useful in helping to better understand migration, and these include; "immigration, emigration, immigrant, and migrant workers, seasonal migrants, family reunification, illegal or irregular migrants, overstayer, undocumented worker, undocumented immigrant, forced or involuntary migration, refugee, asylum seeker and nonrefoulement" (Gebrewold 2007:85). "Migration has four major components, namely labour migration; permanent or temporary migration, family reunification; humanitarian or forced migration; asylum seekers and refugees and illegal migration" (Gebrewold 2007:85-86).

However, for the purpose of this study, the operational definition would refer to migration as the movement of people from countries plagued by endless poverty and conflict to countries characterised by stability and the presence of economic opportunities, as perceived to be the case with South Africa. When discussing the causes of migration, there are usually two categories of analysis, namely the push and pull factors. Most scholars occasionally consider these two categories of analysing migration to be the major ways of categorising all the theories. According to Gebrewold (2007), the most common push factors are economic or demographic; political; social and cultural; and environment. Pull factors are economic opportunities spread by global media, such as jobs, an increase in living standards, and personal opportunities like family reunification. Section 2.7 on theories of migration fully explains the two categories of analysing migration namely push and pull.

Migration is defined in many ways, and there are various concepts related to migration, such as emigration, immigration, asylum seekers, undocumented or illegal immigrants as well as refugees. For the purpose of this study, the concept illegal immigration is employed. Illegal immigration is the phenomenon that involves the unauthorised process of leaving one's country of origin to a foreign country without valid documentation (Campbell n.d.). Illegal immigration is a challenge that most countries the world over continue to grapple with without success, and South Africa is no exception. This study attempts to find answers to the continuing illegal immigration into South Africa, with specific reference to Gauteng province.

Crush and Williams (2005), point out that what makes illegal immigration such a thorny issue to address is that it originates outside the receiving country's borders. Receiving countries are regarded as victims of sending countries' inability to employ good governance in their areas of jurisdiction, a factor essential for both political and economic stability of the country. Illegal immigration into South Africa poses a serious challenge because of the dire consequences associated with jostling for resources between the citizens and the perceived illegal immigrants. Legal immigration into South Africa poses no specific problems as it is easy to cater for the legal immigrants. Legal immigration into South Africa is therefore given little attention in this study.

1.2 A brief history of immigration into South Africa

Immigration into South Africa is not a new phenomenon. It started with the 1820 British settlers coming into South Africa for an indefinite period of stay. This was the first formal experience of immigration into South Africa. Immediately following the 1820 Settlers was the introduction of Indian immigrants to the Colony of Natal in 1860 (Butterfield 1983).

The most known reasons for immigration into South Africa by various immigrants from many countries were the shortage of manual labour needed in industries and farms. Mines utilised many labourers from most Southern African states. However, immigration into South Africa by the citizens of most Southern African states became pronounced following drawing colonial boundaries at the Berlin Conference in 1895 (Manona 1984).

Before drawing the colonial boundaries, the phenomenon of migration was less common in Southern Africa. People had freedom to move as they pleased and there were fewer controls barring their movement. These colonial boundaries severed communities apart resulting in people finding themselves in opposite sides of the

border. Therefore, what became known as illegal immigration into South Africa continues unabated.

The introduction of the policy of apartheid, which sought to confine Africans to Homelands, resulted in most Africans labelled illegal immigrants in South Africa reserved for white South Africans. With the democratic South Africa established in 1994, immigration; especially illegal immigration; increased at an alarming rate. This became a matter of security concern and a source of xenophobic violence (Human Science Research Council 2008).This study discusses in some detail the history of immigration into South Africa in Chapter 4.

Table 1 provides a picture of some data on migration. "These figures have a high margin of error but provide some basic sense of the likely extent of violations in each category" (Crush and Williams 2005: 12).The Table provides the figures for various categories of immigrants whether their entry and stay in South Africa is lawful or unlawful. The Table shows that about 90,000-120,000 migrants have entered and stayed in the country unlawfully, while about 200,000 migrants have entered and stayed in the country lawfully. Also, for migrants who entered South Africa lawfully but stayed unlawfully, the figure is about 300,000-350,000 while the figure for the migrants who entered the country unlawfully but stayed lawfully is 125,000-140,000 (Crush and Williams 2005).

Table 1: Estimated volume of migrants by type and status

	Migrants	Employment
Unlawful entry and stay	90-120	90-120
Lawful entry but unlawful stay	300-350	90-120
Unlawful entry but lawful stay	125-140	
Lawful entry and stay	200	10-15

Note: Figures in '000s

Source: Crush and Williams (2005)

At the same time, any reference to illegal immigration into South Africa does not necessarily include asylum seekers and refugees as these are people who fled their countries owing to humanitarian crises. South Africa has a responsibility and an obligation under international law to allow asylum seekers entry into the country. According to Institute for Security Studies (2011), the International Organisation for Migration (IOM) 2010 report on migration and health in South Africa indicates that South Africa is facing a challenge of mixed migration. Mixed migration means complex

migratory population movements that include refugees, asylum seekers, economic migrants and other migrants. The complex nature of this mix migration poses challenges to the government in respect of whom to grant refugee status and who to deport.

The fact that Gauteng province is an economic power house of South Africa has made it attractive to people migrating to this country (Kok and Collinson 2006). The expectations of the South Africans and the suspicion that illegal immigrants are benefiting from public services has resulted in violent confrontations between poor South Africans and the perceived illegal immigrants (Human Sciences Research Council 2008). It is important to highlight not all immigrants are illegal in South Africa, a matter which seems inconceivable to most impoverished South Africans. Since South Africa is a member of the international community, it warrants some consideration to note the authorities have a responsibility towards protecting the rights of all the people in the country without exception. This study acknowledges some intervention security strategies and measures as well as policies adopted to address illegal immigration. These intervention security strategies and measures entail the policies of the Department of Home Affairs and the Immigration Act of 2002 (Immigration Act, 2002). However, illegal immigration into South Africa continues to increase at an alarming rate. Sources of information on illegal immigration into Gauteng province provide a picture of the existence of illegal immigration into South Africa and these are discussed in the literature review.

Managing illegal immigration into South Africa is a subject that invokes mixed emotions among citizens and immigrants alike. The authorities published the Immigration Act 13 of 2002 specifically to improve the functioning the Department of Home Affairs in delivering immigration services as one of its programmes. "The purpose of the Immigration Act is to provide for the regulation of admission of persons to, their residence in, and their departure from the Republic, and for matters connected therewith" (Immigration Act of 2002: 2).

The Department of Home Affairs has devised four programmes to enable it to carry out its duties. One such programme is immigration services, with immigration control as its key performance area. "Immigration services' purpose is to facilitate and regulate the secure movement of people into and out of the Republic of South Africa through ports of entry, determine the status of asylum seekers and regulate refugee affairs" (National Treasury 2010: 12). The Home Affairs intends to achieve its aims of

immigration control by dealing with immigration matters in foreign countries, detecting, detaining and deporting illegal immigrants by applying policy (National Treasury 2010).

Illegal immigration control ensures that South Africa's security considerations are fully satisfied and any perceived threats reduced. Unless authorities fully control and manage illegal immigration into the country, there will be no guarantee of a South Africa free of xenophobic violence. However, South Africa has a policy on immigration control a factor suggesting the government's willingness to work with the international community to improve the general well-being of people without exception.

The major challenge facing the authorities is implementing policy for the benefit of all South Africans. All the state organs involved in illegal immigration have a duty to perform within their respective powers and duties. As for the general South African public, taking the law into their hands to address illegal immigration into the country is not the answer. The officials must carry out their respective duties with dedication and commitment. The problem of citizens addressing illegal immigration into South Africa is unlawful as their inability to distinguish legal from illegal immigrants might lead to undesirable results. The need to apply the rule of law in dealing with illegal immigration into the country is crucial.

1.3 Towards using existing migration explanation frameworks to explain illegal immigration into South Africa

1.3.1 The research problem statement

Despite various intervention security strategies and measures as spelt out in the Immigration Act and policies of the Department of Home Affairs to address illegal immigration into South Africa, the problem of illegal immigration into the country continues to increase beyond control (Immigration Act 2002). The immigration Act and the policies of the Department of Home Affairs provide guidelines on the requirements for entry into the Republic of South Africa and deal with issues of compliance.
The tension and conflict that resulted in xenophobia and widespread incidents of destruction to life and property reflects the threat to human and national security (Human Science Research Council 2008). The growing number of people jostling for limited resources has resulted in feeling insecure. Polzer (2010) argues that policing undocumented migration currently proves ineffective and often leads to rights abuses. "Migration management, currently considered a national competency, shows little regard

for the impact that internal and cross-border migration places on provincial and municipal functions, especially planning for service delivery"(Polzer 2010: 5). However, what the study tries to find out is why these security strategies and measures fail to yield the intended results of achieving lasting peace, how to change and make them work. Todaro (1976) argues that migration literature has come to regard rural-urban migration as the major contributing factor to the common phenomenon of urban surplus labour and as a force that continues to worsen already serious urban unemployment. With a sizeable number of illegal immigrants added to this urban surplus labour, the situation becomes disastrous.

1.3.2 The research purpose

The purpose of this research is to account for illegal immigration into South Africa and eventually into Gauteng Province. Also, why the intervention security strategies and measures employed to address illegal immigration into South Africa fail to work as expected and how to change and make them work. Furthermore, the research seeks to establish what the Gauteng Provincial Authority can do to manage and prevent illegal immigration. The task of deporting illegal immigrants in greater numbers bears testimony that current measures to address illegal immigration into the country may be ineffective.

1.3.3 The research questions

1. What explains illegal immigration into South Africa and eventually into Gauteng Province?

2. What security strategies and measures are in place to deal with illegal immigration into Gauteng province?

3. What can the Gauteng Provincial government do to manage and enforce illegal migration?

1.4 Justification of the research

This research report serves as an explanatory study of understanding illegal immigration into South Africa with specific reference to Gauteng province. The research report provides an overview of the theoretical framework that will inform the study.

The research problem statement that this study attempts to provide answers to have to do with why the intervention security strategies and measures adopted by the authorities are failing to work as expected and how to change them so they can work. The research looks at past studies that have attempted to explain illegal immigration and

explore the drawbacks experienced, and to suggest the appropriate research method that will address the research problem of this study. At the same time, the study review relevant theories that would help interpret the research results. These theories were not the only theories explored, but are relevant to this study. A conceptual framework of explaining illegal immigration into South Africa's Gauteng province gives a snapshot view of issues around migration. The fact worth noting is that Gauteng province is a point of reference but migration is a problem for the entire South Africa.

From this review, the approach selected is that which highlight the impact of immigration on matters of development, associated with service delivery. According to Du Toit, Knipe, Van Niekerk and others (2002), service delivery depends on sound knowledge of the intended recipients of services, which has some budgetary implications. If the figures for the targeted people for service delivery are not obtainable, then the quality of services will be compromised because of oversupply or undersupply of services. Service delivery would include matters such as fighting crime, providing all types of social grants, health services, and all goods which the government provides. At the same time, development also includes working with the international community to improve people's livelihood by adhering to such documents like Human Rights Declaration. According to Polzer (2010), the Constitution of South Africa, especially Chapter 2; the Bill of Rights, grants all people in the country– citizens and both documented and undocumented noncitizens–rights to life, dignity, equality before the law, administrative justice, basic education, basic health care, and labour rights. However, there are debates within South African policy making and jurisprudence over the extent to which various categories of noncitizens are entitled to other rights. A point to note is that South Africa has not signed the International Convention on the Protection of the Rights of All Migrant workers and Members of Their Families (Crush and Williams 2005).

1.5 The structure of the research report

Chapter two of this study provides a discussion of the literature review. Chapter three discusses the history of migration into South Africa. Chapter four discusses the research methodology employed in this study and the findings from interviews. Chapter five focuses on the summary and interpretations of findings and conclusions. The study ends with some recommendations.

2 THE TWO FACES OF IMMIGRATION: A LITERATURE REVIEW

This chapter presents the literature review upon which this research is based and includes discussions of the following: Section 2.1 looks at useful information on Gauteng Province. Section 2.2 gives an overview on the extent of immigration into South Africa and the proportion that ends up in Gauteng Province. Section 2.4 gives a brief discussion of past research attempts to study illegal immigration. Section 2.5 looks at the selection and description of the research method that this study will use to address the research problem. Section 2.6 briefly summarises theories relevant to this study. Finally, Section 2.7 provides a roadmap for explaining illegal immigration into Gauteng province and thereafter how we arrive at recommending how to manage it

2.1 Useful information on Gauteng Province

South Africa has a sophisticated built infrastructure, a well-developed private sector and a stable macro economy because it is a middle-income country and less dependent on foreign aid (Statistics South Africa 2010). When South Africa became a democratic country in 1994, the national government divided the country into nine provinces, namely: Eastern Cape; Free State; Gauteng; KwaZulu Natal; Limpopo; Mpumalanga; Northern Cape; North West; and Western Cape. However, to narrow the focus of this research, we focus on Gauteng province. This is justified because the concentration of immigrants both legal and illegal resides in the province. The National Treasury (2010) estimates show that Gauteng has the largest budgetary allocations for provincial immigration control. "The allocation for Gauteng was R113 437 000 for 2009/10 while the next higher allocation was for Limpopo province at R53 745 000 for the same period, with all other provinces receiving far less allocations" (National Treasury 2010: 14).

Gauteng is the smallest province in South Africa, occupying an area of 17010 Square Kilometres, which is approximately 1.4 percent of the total land the area of South Africa. According to Kok and Collinson (2006), Gauteng accommodates almost 19.7 percent of the total South African population and is second to KwaZulu Natal (21 percent). Further, the 2001 Census revealed that Gauteng's three metropolitan areas Johannesburg; Tshwane and Ekurhuleni comprise the bulk of Gauteng residents, with the City of Johannesburg being occupied by approximately 37 percent of the Gauteng population. Approximately 74 percent of the population is Black followed by the White

population at 20 percent, Coloured population at 4 percent and the Indian/Asian population at 3 percent.

Kok and Collinson (2006), point out that there are more men in Gauteng province than any other province because of the movement of men into the province to find work. Men of varying age groups comprised a reservoir for cheap labour, and those lucky to find employment were housed in hostel compounds built strictly to accommodate men. Lack of alternative accommodation for women migrants accounted for their low numbers in Gauteng province, formerly Transvaal, compared to the large numbers of men migrants.

Using data from population census of 1996 and 2001 Table 2 provides some useful insight. Table 2 highlights that Gauteng province being the smallest province in South Africa has the highest number of residents compared to all other provinces. A sizeable number of immigrants coming into Gauteng province affect the quality of services that Gauteng Provincial government provides.

Table 2: South Africa's population by provinces

	Area		1996		2001	
Province	km²	%	N('000)	Population Density	N('000)	Population Density
Western Cape	129370	10.6	3957	31	4524	35
Eastern Cape	169580	13.9	6303	37	6437	38
Northern Cape	361830	29.7	840	2	823	2
Free State	129480	10.6	2634	20	2707	21
KwaZulu-Natal	92100	7.6	8417	91	9426	102
North West	116320	9.5	3355	28	3669	32
Gauteng	**17010**	**1.4**	**7348**	**432**	**8837**	**520**
Mpumalanga	79490	6.5	2801	35	3123	39
Limpopo	123910	10.2	4929	40	5274	43
South Africa	**1219090**	**100**	**40584**	**33**	**44820**	**37**

Source : Department of Land Affairs and Statistics South Africa. Population Census 2001

Table 3 shows the number of people staying in the major metropolitan areas of Gauteng Province. Gauteng has high population density, a factor that has a bearing on the municipal authority's ability to deliver quality service to the residents. Add to number of Gauteng's population the illegal immigrants whose number is unknown, then the situation does not auger well for service delivery. One reason why Statistics South Africa conducts census from time to time is to gather data that would enable service delivery to be extended to all residents without exception and to ensure that the government makes

reasonable decisions concerning upliftment of the wellbeing of the citizens (Statistics South Africa 2004).

Table 3: Population of Gauteng by metropolitan areas

Rank	Municipality	Core City	Province	Population
1	City of Johannesburg	Johannesburg	Gauteng	3 888 180
2	Ekurhuleni (East Rand)	Germiston	Gauteng	2 724 229
3	City of Tshwane	Pretoria	Gauteng	2 345 908
4	Emfuleni	Vanderbijlpark	Gauteng	650 867
Total				**9 609 184**

Source: Statistics South Africa. Population Census Mid-2010

The general household survey shows that a significant number of Gauteng residents could read and write, an indication that literacy rate is reasonably acceptable, a factor considered favourable in employing people (Statistics South Africa 2004). Also the correlation between unemployment rate and the highest level of education showed lower unemployment among those who have achieved post-school qualifications and a higher proportion for those with grade 12 and less. Kok and Collinson (2006) point out that Gauteng is predominantly cosmopolitan with a multicultural mix of people from all walks of life. Gauteng makes the largest contribution to the economy of South Africa. They further argue that Gauteng recorded the largest real annual growth. However, despite the concentration of wealth in Gauteng, unemployment is very rife.

Gauteng is the economic powerhouse of South Africa due to the high concentration of economic activities in the province. " The largest contribution to the economy of the South Africa came from Gauteng Province at 33.3 percent, followed by KwaZulu Natal at 16.7 percent and the Western Cape at 14.4 percent" (Statistics South Africa 2004: 84). The other six provinces; namely the Eastern Cape, Free State, Limpopo, Mpumalanga, Northern Cape and North West; contribute far less. It is for the above stated reason that Gauteng Province attracts both legal and illegal migrants especially from Southern and Western African countries.

2.2 The extent of immigration into South Africa and its impact on Gauteng Province

This section has three sub-suctions. Section 2.2.1 discusses the types and sources of information on legal and illegal immigration into South Africa and Section 2.2.2

discusses the estimates of legal and illegal immigration into South Africa. The Department of Home Affairs has relatively reliable data on legal or documented immigrants into South Africa. As stated, these comprise all the non-South Africans who enter the country through the official ports of entry and have their documents scrutinised and verified. However, information on those that enter the country illegally is scanty. Such persons do not entry South Africa through official ports of entry and they cannot produce documents that authorise their stay in the country. Lastly, Section 2.2.3 discusses the impact of unaccounted immigrants residing in Gauteng and the consequences thereof.

2.2.1 Types and sources of information on legal and illegal immigration into South Africa

The immigration Act provides information on the conditions under which people may be deemed to be in the country legally upon compliance with the policy (Immigration Act 2002). Some of the conditions under which people may be deemed to have entered South Africa include possession of work permits, study permits, visitor's permits, or any documents recognised under the Immigration Act. The other people who are regarded as being in South Africa legally are those who have received prior permission from the Minister of Home Affairs based on the Minister's discretion. Failure to have in one's possession any of the documents specified in the Immigration Act makes one's stay in South Africa illegal.

People earn the status of being illegal immigrants because of various factors. Logart (1998) points out that some people enter the country legally but stay on after the expiry of their visas. "A substantial number of such persons enter the country with appropriate documents; and these include students, previously employed persons whose work and residence permits have expired, tourists, refugees and visiting family members; do constitute illegal immigrants"(Campbell n.d.). Historically; the mining and agricultural sectors in South Africa have been dependent on migrant labour from Southern African countries. "The apartheid government subtly encouraged or turned a blind eye to clandestine migration in order to ensure an abundant supply of cheap labour, but was opposed to black migrants applying for citizenship"(Maharaj 2004: 3).

Crush and Williams (2005), assert that South Africa has been a migrant-receiving country for many decades. The majority of those migrants were, and are, from neighbouring countries within the Southern African region. This factor is attributable to the drawing of colonial boundaries during the colonisation of Africa which severed

communities apart. Until 1994, South Africa was also an important destination for white immigrants from Europe.

2.2.2 Estimates of legal and illegal immigrants residing in South Africa

Over the years, the estimated figures for legal immigrants have remained relatively reliable. This is due partly to the fact that people who enter South Africa legally through the ports of entry have nothing to hide and fear. However, following South Africa's independence in 1994, the number of immigrants looking for better economic prospects, peace, and stability started to rise. Table 4 provides a picture of various figures in the specified periods with increasing number of immigrants clearly portrayed. The table shows that the number of immigrants increased over the specified five-year periods starting from 1975-1980, 1992-1996 and 1996-2001. The only decrease was in the period 1992-1996 for the White immigrants. However, the period 1996-2001 saw in increase in the number of White immigrants along with increases for other population groups.

Table 4: Number of migrants by population groups, 2001 Population Census

Population group	Number of migrants		
	1975-1980	1992-1996	1996-2001
Black	894 000	2 909 948	3 754 379
Coloured	228 980	331 321	500 460
Asians	63 720	125 664	150 087
Whites	1 023 420	921 514	1 136 722

Source: Statistic South Africa (2001)

The view on illegal immigration gives a gloomy picture since it is difficult to count illegal immigrants. "The political and economic conditions in Zimbabwe have caused an increase in economic migration to neighbouring countries such as South Africa and Botswana, however the often cited numbers of 2 to 3 million irregular Zimbabweans in South Africa in 2004 are likely to be exaggerated"(Crush and Williams 2005: 12). Irregular migrants are most common in the construction, service and commercial farming sectors; also in ownership of small enterprises in the informal sector. Irregular migrants to South Africa are attracted to the country at intervals with the purpose of taking advantage of opportunities that prevail at a given time. They have no intent of settling in the host country indefinitely but to frequent the home and host country at will (Crush and William 2005).

Polzer (2010) postulates that there are no reliable statistics on cross border migration, thus opening space for rumours and presuppositions to take hold. Many commonly quoted estimates, ranging from one to eight million international migrants, are not based on solid evidence; however there are some accurate figures for recognised refugees, asylum seekers, persons with work permits, and deportees, but these do not reflect broader migration trends. "The number of undocumented residents of South Africa was reduced by two immigration amnesties offered by Cabinet between 1997 and 2000; (a) legislation and permanent residence for Southern African Development Community country citizens who had entered South Africa illegally before 1990; and (b) legislation and permanent residence for Mozambicans who had settled in South Africa during the Mozambican war of the 1980s" (Crush and Williams 2005: 12). In 2011 another immigration amnesty was offered by the South African government to illegal Zimbabweans (Immigration South Africa 2011). The condition of this amnesty was that any Zimbabwean nationals in possession of fraudulent documents should hand them in. No explanation as to the source of the documents was required, and any immigrant submitting the documents could then apply for a legal, authentic permit. The total foreign population in South Africa, including documented and undocumented noncitizens, is likely to be between 1.6 and 2 million or 3 to 4 per cent of the total national population (Polzer 2010). However, what is not known is what proportion of this number could be undocumented immigrants.

2.2.3 Impact on service delivery in Gauteng Province

Citizens expect services from the incumbent government. Du Toit, Knipe, Van Niekerk and others (2002), point out that the government-of-the-day considers what the majority of the people need for enhancing their general welfare. Therefore, whatever government institutions and officials do to achieve improving the welfare of the people require adherence to prevailing policy. Policy determines how best the government can deliver services given the amount of resources allocated.

An estimate of numbers of people to be provided with services is vital for the success of the programme of service delivery (Du Toit, Knipe, Van Niekerk and others 2002). However, the presence of notable unknown number of illegal immigrants makes service delivery a cumbersome task. The inability of the authorities to provide satisfactory services to the citizens result in government failure. Unless information on the estimated number of the people in Gauteng Province is obtainable, service delivery

will remain a thorny issue. Unknown number of illegal immigrants impact on the provincial government's ability to provide its citizens with quality services.

2.3 Methods, data, results and conclusions of studies that have attempted to explain illegal immigration

This section looks at attempts by various scholars in shedding light on the concept of migration and providing ways of dealing with its related challenges. It is divided into two sections. The first section reviews attempts within South Africa while Section 2.3.2 looks at attempts elsewhere.

2.3.1 Research attempts to explain South African illegal immigration

Kollapen and others (1998) reported on the arrest and detention of suspected undocumented migrants. The Human Rights Commission recognised the need for a more systematic investigation of the treatment of people in the immigration system. Hence the Commission employed the investigation method to conduct this study. "From April to May 1998 149 detainees, along with 40 friends and family of detainees, were interviewed at Lindela" (Kollapen and others 1998: 4). The study took the form of empirical investigation, using in-depth interviews, to find out whether the refugees and voluntary migrants were governed by an immigration system that is predictable and fair. "Accordingly, both refugees and economic migrants enjoy, or should enjoy, most of the rights and protections in the South African Constitution" (Kollapen and others 1998:6).

The report points out that people are wrongfully and unlawfully detained under the immigration legislation and the process of arrest and detention of would-be immigrants is arbitrary and it violates the rights of citizens and other residents. The report points out that if law enforcement agencies including immigration officers understood and applied the law fairly and justly, they could limit the abuse of the system and protect the rights of those who legitimately are entitled to the protection of the law.

The other finding of the study is the question of porous borders which encouraged illegal immigration into South Africa. South Africa's borders are porous as highlighted by large numbers of deported illegal immigrants who resurface in the country within days of deportation to their countries of origin (Kollapen 1998).

Du Preez (2002) argues that migration has an effect on the South African economy in particular, migration of workers from and into the economy. He conducted a document analysis on emigration statistics from South Africa and other foreign countries outside of the United Kingdom. In his study, he found out that there are

relatively more people with skills leaving South Africa for greener pastures and less people with skills coming into South Africa. Estimates of people migrating from and into South Africa led to the conclusion that depletion of human resources pool might have a negative impact on local industries, therefore this inhibits South Africa's ability to compete effectively in the global market.

Schlemer (2006) conducted interviews and a survey which provided an opportunity to test a research method for the difficult task of reaching a population that wishes to avoid being identified and counted. The research employed "a case study of 200 Witbank residents, 30 local business people, 12 officials and 50 foreigners for interview purposes. The residents were randomly selected. One respondent was interviewed in each household in a face-to-face interview in the language of their choice by means of both structured and open-ended questions. The central objectives of the study were to examine the nature and extent of immigration to the town, the roles of immigrants in the local economy, and the nature and prevalence of xenophobic attitudes among Witbank residents towards those immigrants" (Schlemer 2006: 2).

The study concluded that immigration is a well-established feature of life in Witbank. Further, it found out that immigrants in the area are not attracted by the wage labour that is exceedingly difficult to find all over South Africa, but rather by the market for self-employment. The study also established that immigrants are not in Witbank to engage in criminal or any unscrupulous activities.

Rogers (2007) provides an audit of the organisation and patterns of recruitment of skilled professionals from South Africa in the health sector, and offers a series of recommendations for addressing the problem of skilled migration. The study points out that migration are not only a problem for South Africa, but rather a worldwide problem. The article draws on a detailed analysis of recruitment advertising appearing in the South African Medical Journal for the period 2000-2004 and a series of interviews conducted with private recruiting enterprises.

The conclusion of Rogers' (2007) study is that, issues about the international migration of health professionals form part of the wider dynamics of globalisation and the development of an international marketplace for talent. As a result, some countries encourage in-migration of people with skills that they want the most. This way they manage migration to suit their immediate needs in the short term. However, such programmes are sometimes subject to abuse by illegal immigrants. The case in point is

immigrants who come to the host country to supply the needed skills but end doing something other than what they said they would do.

The study by Human Science Research Council (2008) looks into the causes underlying the outbreak of xenophobic violence in South Africa. The study employed three sources to achieve the desired outcomes. First; the desktop study was used to provide a context by reviewing the literature related to xenophobia in the South African context. Second, the key stakeholder interviews to draw on the views of local leaders and stakeholders in the affected areas. Third, the focus groups to understand the causes of violence in Alexander, Mamelodi and the East Rand.

The perpetrators of this violence do not distinguish between legal and illegal immigrants. The general conclusion by these groups of marauding gangs is that foreigners are here to loot the country and undermine the democracy so deservedly earned by committing various evils. The central question addressed by the study is "why are foreign African migrants the target of violence in informal settlements?" Focus groups and interviews were employed to find answers to the key question alluded to in the previous statement. The study also included a review of media reports about violence, survey of current scholarly literature and research on xenophobic violence. The conclusion is that most immigrants who came into the country were fleeing from unbearable conditions in their countries and that they could only manage to settle in informal settlements. The study also found out those attacks on immigrants was indiscriminate, making no distinction between legal and illegal migrants.

In his case study of South Africa and Botswana, Campbell (n.d.) states that the most attractive countries for immigrants from Southern African countries are South Africa, Botswana, and Namibia—probably because of their rather high-level of economic and social mobility. He cautions that data on the reliability of illegal immigration were contestable and irregular. There are many reasons that motivate immigrants to leave their home countries but economic reasons are dominant. "Illegal immigrants do contribute positively to private economic sector in host countries especially through their willingness to accept lower wages than native workers" (Campbell n.d.: 2). However, some politicians and citizens perceive the hosting of illegal immigrants as undesirable and as draining the countries resources.

2.3.2 Elsewhere other than the research setting

Davis (1996) argues that illegal immigration is; but not always; associated with illicit activities including but not limited to organised crime, terrorism, money counterfeiting, and laundering as well as human diseases. Therefore, the main security problem that any state faces today is protecting its citizens against all these illicit activities. Such a security problem requires cooperative effort by states as well as non-state entities domestically, regionally and globally in tackling the challenges posed by illegal immigration into their shores.

Illegal immigration is experienced by all countries in more ways than one (Davis 1996). This is seen in the manner in which countries react in managing the phenomenon of illegal immigration. Some countries adopt a proactive stance in dealing with illegal immigration into their borders, while others react when the challenges emanating from illegal immigration have become insurmountable. The least that states could do is to devise measures to address illegal immigration into their borders.

Segell (2004), points out that the problem of open borders and artificial borders in the age of globalisation aggravates the problem of illegal immigration for countries.

> "Open borders is exampled through Treaty such as in the formation of the European Union (EU) that guarantees the freedom of the movement of goods and people to all individuals of the European Union. Artificial borders is exampled in Africa as a consequence of colonisation by external powers and decolonisation retaining the sanctity of those territorial borders that took little if any consideration to local or ethnic heritage" (Segell 2004: 3)

In addressing the problem of illegal immigration into countries within the European Union, member countries reached an agreement to allow free movement of goods and people, but this benefited the citizens of the member countries (Segell 2004). Illegal immigration poses many challenges to many countries because of the inability to detect the elements of organised crime, human trafficking, and terrorism that accompany such wide scale movements of people from sending countries to host countries. According to Segell (2004), border security is about the security of individuals and the state cooperating in devising all necessary measures to protect its citizens against non-state entities. It has become important for global cooperation to prevail as seen through the exchange of information by organisations like Interpol, Europol and

through bi-lateral agreements between states to strengthen border security through intelligence gathering and analysis. Authorities need to monitor and inhibit the flow of people crossing state borders as part of the protection of the state for its populace, resources, values, and governance.

> "Border security is meant for ideological and economic reasons to ensure that only citizens that paid taxes to a specific state are the recipients of that state's benefits such as education and health services" (Segell 2004: 12).

The United States of America is among countries faced with the challenge of dealing with illegal immigration into its borders. According to Sanchez (2010), there are primarily migrants from Mexico and a few from Guatemala who make their way into Phoenix, from where the migrants are transported to their final destinations within the United States of America (USA). She looks at the manner in which illegal immigration into the United States of America is managed. From her observation, Maricopa county and Phoenix metropolitan area have become one of the USA's top undocumented immigration hubs due to their closeness to the Mexican border. The excellent network of highways and roads that connect Maricopa and Phoenix to other large urban centres and states facilitate the fast movement of people and cargo to other regions of the USA.

Sanchez (2010) postulates that Arizona is one of four USA states bordering Mexico, and Mexico is perceived by the authorities to be a source of illegal and undocumented immigration into the USA. Attempts to seal sections of the USA Mexico border has resulted in more desperate measures by undocumented immigrants to defy authorities and find their way into the host country.

> "The wish to get to the USA has seen an exponential increase in undocumented immigration in the country, with the hundreds of tragic deaths resulting from exposure to the harsh conditions of crossing through the Arizona desert and sometimes because of violent crime" (Sanchez 2010: 1).

2.4 Explaining illegal immigration into Gauteng Province: Proposed approach, concepts, and issues

This study will follow a qualitative approach based on explanatory dimension because the key challenge is to provide answers to the question 'why' migration is not properly managed. Merriam (2009), point out that in qualitative research, the focus is on the process, understanding and meaning; with the researcher being the primary instrument of data collection and analysis. Qualitative researchers often rely on interpretive or

critical social science. The process is inductive and the product richly descriptive. "This more inductive method means that theory is built from data or grounded in the data" (Neuman 2010: 157).

Of particular importance for this study is the use of document analysis to understand the origins of immigration into South Africa. Undertaking document analysis will help in understand the history of migration into South Africa, something which may only be possible with the digging out of whatever documents could be available in the archives. Document analysis entails the study of the original documents that contain information not easily available from other printed materials like books (Bobbie and Mouton 2005). Documents, considered the primary source of information, provide useful insight into understanding the phenomenon migration. The most common documents considered as sources of information are the letters, diaries and autobiographies.

Since the study concerns itself to finding out why illegal immigration into South Africa continues unresolved, it follows that most answers would come from stakeholders involved in managing migration such as the Department of Home Affairs, the South African Police Service, the South African Human Rights Commission, and Lindela Repatriation Facility. To a limited extent some information will be obtained from persons detained as illegal immigrants at Lindela Repatriation Facility, provided that such identified people are willing to volunteer their support. This will shed light on circumstances that compel immigrants to defy the authorities at all costs in pursuit of migrating into South Africa. Besides qualitative approach, there is also quantitative approach, which is however, not followed in this study.

The research design for this study is a survey, in particular the face-to-face interview with a purposively selected target sample. This method was applied by Kollapen and others (1998), in reporting on the arrest and detention of suspected undocumented migrants, Schlemer (2006) in investigating the established feature of immigrants' life in Witbank, and Human Sciences Research Council (2008), in looking into the causes underlying the outbreak of xenophobic violence in South Africa.

Face-to-face interviews have advantages and disadvantages, but the advantages outweigh the disadvantages. According to Babbie and Mouton (2005) interview surveys typically get higher response rates than mail surveys because the respondents are unlikely to turn down an interviewer in front of them than to throw away a mailed questionnaire. A properly prepared interview survey may achieve completion rate of 80

to 85 per cent. The interviewer has the benefit of following respondents as well as asking questions in a way that clarify misunderstanding and cutting out "don't know" questions. These are closed ended questions for which the response is normally a "yes or no". The relevant responses are those which probe the responded to provide details pertaining to the questions asked.

2.5 Explanatory frameworks that might interpret illegal immigration into Gauteng Province

Several theories developed over time by scholars provide some insight into the process of migration. Each theory is considered within the context in which it was developed, as well as the then-prevailing circumstances. Some theories are closely aligned to the push factors, while others are aligned with the pull factors. We divide this section into two parts. The first part (Section 2.5.1) discusses explanations key to explaining illegal immigration while Section 2.5.2 comprises explanations that are seemingly far-fetched but do indeed provide a wider context of reinterpreting what might not be that obvious.

2.5.1 Explanatory frameworks relevant to the study migration into Gauteng Province

As explained in the section on the definition of migration and related concepts, push factors are responsible for people leaving their home countries involuntarily. These involuntary departures could be linked to the country's lack of good governance which often results in the country's instability (Crush and Williams 2005). The theory supporting the explanation on push factors is Eisenstadt's (1954) theory of migration. On the other hand, pull factors result in people leaving their home countries voluntarily in search of better prospects for improving their standard of living. The theories closely associated with the pull factors include; Ravenstein's (1885) theory of migration; Dual labour market theory; Network theory; World systems theory; Unified migration systems theory and Decision theory of migration.

Eisenstadt's theory of migration

The theory focuses on the actor's orientation to a situation, which in essence refers to both the individual and the collective (Eisenstadt 1954, Hoffmann-Nowotny 1970). The theory views migration as a phenomenon associated with individuals and groups that move from one society to another. This theory points to migration caused by the incapacity of a society to fulfil the expectations of its members (Hoffmann-Nowotny 1970). Failure to disarm warring sectors of the community and provide satisfactory

security for all results in people fleeing their home countries in search of peace and stability (Mkutu 2008).

Ravenstein's theory of migration

Ravenstein (1885) asserts that people migrate because they are motivated by the wish to improve their standard of living. This theory tries to provide answers to the reasons for people's movement, which result in permanent or semi-permanent migration (Ravenstein, 1885). However, the theory does not consider other aspects of human life including economics, politics, culture, philosophy, and technology, as well as their impact on migration (Messina and Lahav, 2006).

Dual Labour Market Theory

Piore (1979) postulates that international migration is caused by a permanent demand for immigration labour that is inherent to the economic structure of developed nations. This theory states that immigration is not caused by push factors in sending countries, such as low wages or high unemployment but by pull factors in receiving countries like a chronic and unavoidable need for foreign workers (Piore 1979). The theory also shows that the availability of opportunities presented by increased demand for labour in developed nations is more a dominant force. Whereas the immigrant workforce is a more flexible production factor, the local workforce is protected by institutions such as trade unions and regulations of working conditions (Massey; Arango; Hugo; and others 1993).

Network Theory

This theory points out to network connections as making up a form of social capital that people can draw on to gain access to foreign employment (Massey; Arango; Hugo and others 1993). Thus, once the number of immigrants reaches a critical threshold, expanding networks reduce the costs and risks of movement, which causes the likelihood of migration to rise, which causes added movement, which further expands the networks, and so on (Massey; Arango; Hugo and others 1993). The theory states that, to understand migration, it is essential to note how strongly network connections impact on this phenomenon. Lebhart (2002) criticises the theory on the basis that it upholds migration as mainly between those regions that are already connected culturally, historically, politically and economically.

World Systems Theory

This theory—attributable to Wallerstein —refers to the origin of international migration as linked to the structure of the world market that has developed and expanded since

the sixteenth century (Wallerstein 1974; Portes and Landolt1999). The theory states that the penetration of capitalist economic relations into peripheral, non-capitalist societies creates a mobile population that is prone to migrate. The theory also provides insight into understanding migration as a natural outgrowth of disruptions and dislocations that inevitably occur in the process of capitalist development (Wallerstein 1974). The increasing demand for low-skilled labour in developed countries has resulted in jobs in this category becoming less and less desirable for the local population (Massey, Arango, Hugo, Kouaouci, Pellegrino, and Taylor 2006).

Unified Migration Systems Theory

This theory states that migration is mainly between those regions that are already connected culturally, historically, politically, or economically (Kritz, uLim, and Zlotnik 1992). The theory advances the argument that similar migratory patterns and continuous interplay of various factors as well as political linkages between the sending and receiving countries determine migration systems. Therefore, the theory is the first step towards the use of the systems approach for international migration. However, although migration is one process that connects the home and host countries, there are various other networks (Massey, Arango, Hugo and others 2006).

The Decision Theory of Migration

This theory, attributable to Besher (1967) maintains that migration is caused by various individual decisions that aim at benefit maximisation. The argument presented is that if people are classified based on their profession, age, and duration of their education, then it would be possible to predict that in certain groups the likelihood for migration would be higher than in others. However, the flaw of this theory is that it is not possible to predict the scope of migration (Hoffmann-Nowotny 1970).

2.5.2 Explanatory frameworks providing a wider context of interrupting illegal immigration into Gauteng Province

New economic theory of migration

The theory, attributable to Stark and Bloom 1985), state that migration is a strategy to diversify the economies of households as an instrument to manage risk at the household level, and not necessarily to maximise benefits. The theory is helpful in explaining the relation between international migration and development. Immigrants are attracted to countries which show prospects of development and offer opportunities for economic participation. It shows that migration might be used to reduce the risk and so does not need to be dependent on wage differentials (Stark and Bloom 1985). Lebhart (2002)

argues that migration is not only used to increase the absolute income, but also the relative income.

Migration theory of analysis

This theory, attributable to Han (2000) focuses on the integration process of migrants through re-socialisation and re-organisation. When immigrants settle in a host country, they face challenges of integration which when successfully accomplished; enable their participation in the economy of the host country. It is essential for immigrants to settle in a host country with ease. The theory entails three aspects of acculturation, integration and assimilation; to be considered in dealing with integration of migrants (Han 2000).

Institutional theory of migration

This theory focuses on the role of institutions involved in the international movement of people (Massey, Arango, Hugo, and others 2006). The theory maintains there is an imbalance between many people who would like to enter a developed country and the strict visa policies of these countries, with the resultant emergence of black market enterpreneurs and institutions that promote international movement of people (Massey, Arango, Hugo, and others 2006). The theory highlights the plight of migrants and proposes that migrants be given some consideration. Its limitation is that it discounts countries that apply policies that deter migrants by securitising migration on the grounds that refugee migration would destabilise the receiving states (Hollifield 2000; Thielemann 2003).

Neoclassical Macroeconomic Migration Theory

The theory was developed by Lewis (1954) originally to explain labour migration in the process of economic development. Immigrants are attracted to the countries that experience shortages in the supply of labourers. The theory advances the argument that international migration is caused by geographic differences in the supply of and demand for labour (Lewis 1954; Ranis and Fei 1961; Harris and Todaro 1970; Todaro 1976). Bijak (2006) argues that migration is a disequilibrium phenomenon. "The flows of both production factors in opposite directions, and the related convergence of wage levels, are a way of return to the economic equilibrium" (Bijak 2006:8-9). However, the presented approach is very simplistic and does not explain, for example, the phenomenon of return migration or population flows in the absence of wage differentials (Bijak 2006).

Cumulative Causation Theory

Myrdal (1957) argues that each act of migration alters the social context within which migration decision are made, typically in ways that make additional movement more likely. The theory is explained in terms of five components, which includes: distribution of income; distribution of land; impact of out-migration on the organisation of agrarian production; taste for consumer goods and life styles; as well as regional distribution of human capital. The theory spells out that initial migration tends to make future migrations possible because of the prevalence of networks of support. Whereas the theory is viable and interesting, its second and third components seem to be hypothetical, and do not apply to most African cases (Massey; Arango; Hugo and others 2006).

Neoclassical Microeconomic Migration Theory

This theory, attributable to Sjaastad (1962) and the subsequent proponents, underlines the role that individual rational actors play in migration. Individuals decide to migrate because a cost-benefit calculation leads them to expect a positive net return, usually monetary, from the movement (Sjaastad 1962; Todaro 1969; 1976; 1989; Todaro and Maruzsko 1987). The theory points out that international migration are seen as a form of investment in human capital. People choose to move to where they can be most productive, given their skills; but the higher wages they expect to receive must cater for the material costs of travelling. The limitation of this theory is its disregard for the role of families or households rather than individuals in making migratory decisions (Stark and Levhari 1982; Stark 1984; Katz and Stark 1986; Lauby and Stark 1988; Taylor 1986; Stark 1991). People act collectively not only to maximise expected income, but also to minimise risks and to loosen constraints associated with various market failures.

Geographical Theory of Mobility Transition

This theory is based on the theory of demographic transition, which states that people migrate from areas of high to low mortality and later from high to low fertility (Stouffer 1962; Zelinski 1971). According to this theory, the aim of migration is connecting different forms of regional mobility to the society's stage on its way to modernisation. Migrants identify and migrate to areas where the prospects of better life prevail. Although the theory assumes different types of migration, one problematic aspect of that is that it would mean that societies are constantly heading towards higher levels of wealth (Skeldon 1997).

Theory of Trans-nationalism

The theory was developed by Portes, Guarnizo and Landolt (1999) to analyse the way of life of migrants based on the exchanges between the host and home countries of the migrants. The relationship that immigrants have with their fellow countrymen sustains their interconnection. Those in the host country invite and accommodate their compatriots in their newfound "homes". The theory describes a new and fundamentally different set of international migration dynamics. This theory is helpful in explaining the interconnectedness of the host and home country of migrants. Massey, Goldring, and Durand (1994) argue for a cumulative theory of trans-national migration that suggests that migration is an iterative process that becomes increasingly independent of the conditions that originally caused it.

2.6 Towards a theory-based explanation of illegal immigration into Gauteng Province

The presence of the unknown number of illegal immigrants in South Africa has implications for service delivery, a factor which has led to conflict between the citizens and perceived illegal immigrants. The ability to manage migration effectively may lead to lasting peace for all in the country and even the neighbouring countries. For the purpose of this study, the emphasis is on illegal immigration as experienced in Gauteng Province within the broader context of South Africa.

The framework in Figure 1 represents an approach that serves as a point of departure for this study. Preliminary analysis shows that both legal and illegal immigration exists. Legal immigration is a response to the pull factors that are present in the host country. There are measures in place to deal with legal immigration, and these will not be discussed in this study. Illegal immigration is a response to both the pull factors and the push factors. As in the case of legal immigration, the pull factors are present in the host country. However, push factors are present in only the country of origin of illegal immigrants. This study's main concern is how we can deal with the push factors. The push factors are associated with the harsh conditions that prevail in the immigrants' country of origin, and the major driving force behind large scale illegal migration.

Past studies also suggest that legal and illegal immigration exist, however there are no reliable data on illegal immigrants. These studies are discussed and Section 2.3 and they focus on South Africa and elsewhere other than the research setting. Acquiring reliable data on illegal immigrants is a challenge for all states; even the very countries

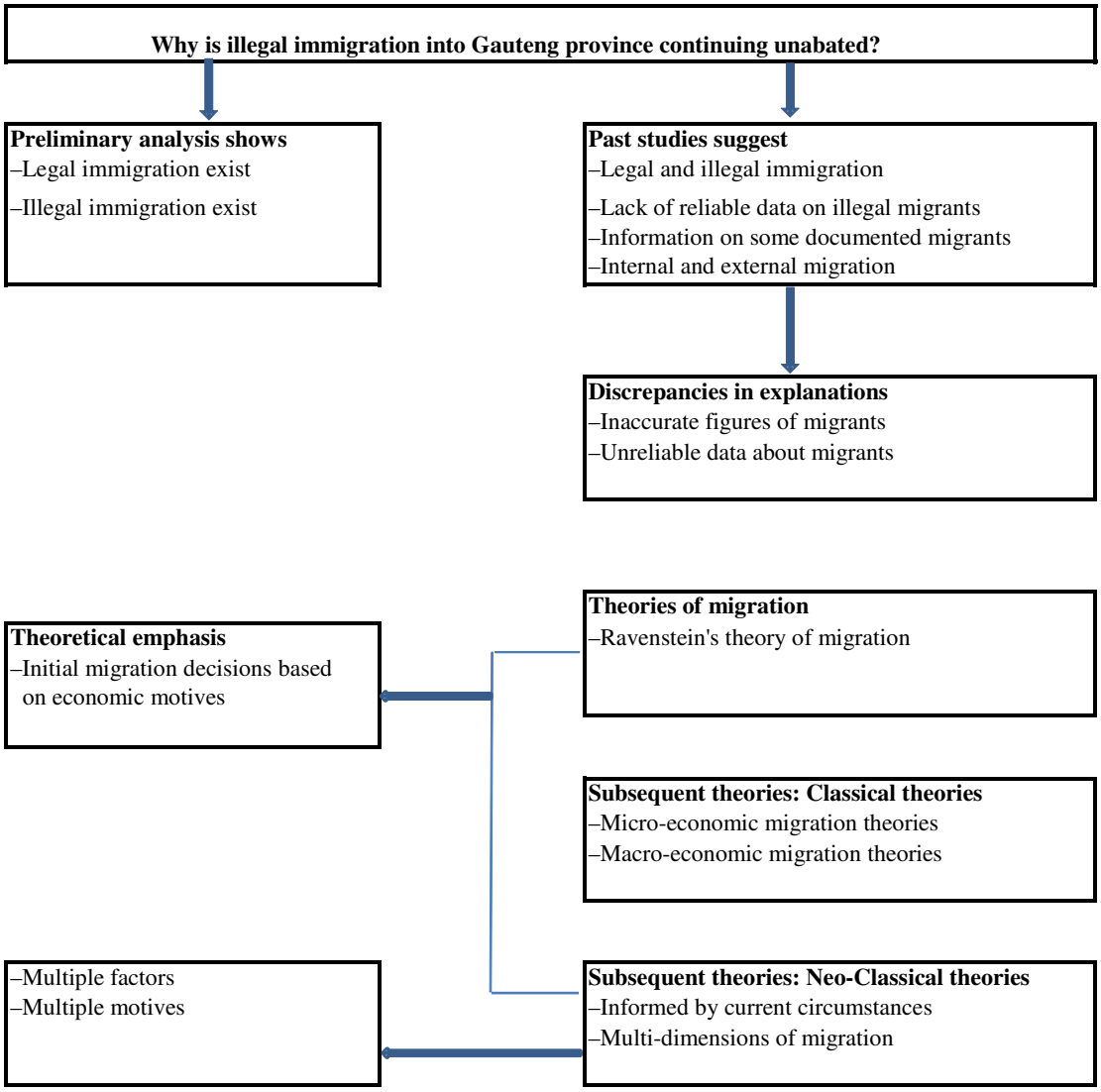
from which immigrants emanate from do not have estimates of numbers of people who leave their borders. The only people who can be accounted for are legal immigrants because of the fact that any departure from their home countries is documented.

Where there are estimates of illegal immigrants available, discrepancies are not clearly explained. It is also very difficult to obtain accurate figures of immigrants. Discrepancies result from the tendency of regarding some South Africans as immigrants based on their physical features. The case in point is the tendency to regard some people from Limpopo Province as immigrants because of Limpopo's proximity to South Africa's neighbouring states in the north of the country.

The first of the theories of migration originated from the observation and studies of Ravenstein in 1885 and became known as Ravenstein's theory of migration. The theory highlighted the fact that people migrated purely for economic motives. All subsequent theories were developed following the observations of various proponents based on the then prevailing circumstances. The theories were classified as the classical and neo-classical theories. The classical theorists argued that people migrated because of the influence of the micro and macro-economic variables. The variables included both the economic needs of individual families and the country's pursuit for economic development. On the other hand the neo-classical theorists advanced the argument that multiple factors and multiple motives influenced migration decisions. The theories of migration are discussed in Section 2.5.

Migration is a thorny issue to address in many countries and South Africa is no exception. The key issue is managing immigration into the country instead of attempting to eradicate it completely. One common factor highlighted by most theories is that immigrants establish networks which must be cut and where possible the push factors dealt with in the home countries of immigrants.

Figure 1: A conceptual framework for explaining illegal immigration into Gauteng Province



3 HISTORY OF SOUTH AFRICAN MIGRATION

3.1 Introduction

This chapter provides a comprehensive picture of South African migration. Crush and others (2005) point out that southern Africa has a long history of intra-regional migration dating back to the period long before the drawing of colonial boundaries. The colonial boundaries severed societies and cut communities in half so those families or lineages lived on opposite sides of the border. Communities living on either side of the border share common culture, values and tradition, boundaries drawn by colonial powers discounted these aspects. This led to continued interaction among members of severed communities to the extent that those crossing these boundaries to meet their relatives were labelled illegal immigrants.

The next section discusses South African migration before 1994 with Section 3.3 discussing the trends after 1994 before summarising the discussion in Section 3.4.

3.2 Migration into South Africa before 1994

Formal migration into South Africa began in the eighteenth century with the 1820 emigration scheme facilitated by Henry Nourse, a British merchant (Nourse n.d.). The other well-known immigration of the eighteenth century entailed the Indian immigration to the Colony of Natal (Butterfield 1983). According to Nourse (n.d.) a letter to Lord Sidmont dated 12 January 1818 highlighted the presence of immigrants from the United Kingdom who were merchants at the Cape of Good Hope. The need to acquire manual labour at the Cape of Good Hope prompted the merchants to make a formal presentation to their government that people should be given incentives to migrate to South Africa. Nourse appeared before a committee of the House of Commons and gave evidence and advice about the parliamentary grant of £50,000 to enable prospective migrants to migrate to South Africa from the United Kingdom just after they captured the Cape in 1806. The migrants from the United Kingdom came to be known as the 1820 Settlers.

Following the successful settlement of the 1820 Settlers in the Cape was the introduction of Indian immigrants to the Colony of Natal in 1860. The reason behind the wide scale migration of Indian immigrants was the view that Africans were unreliable and reluctant to supply the necessary labour for developing farms and industries (Butterfield 1983). The Indian immigrants came to Natal on conditions agreed on by the Indian government and the Authorities in South Africa. Introducing Indian

immigrants into South Africa was purely for economic reasons. According to Butterfield (1983), the importation of Indian immigrants was enacted by Laws 14 and 15 of 1859 passed by the Natal government. Law 14 provided for the importation of immigrants at the public expense and further provided for the regulation and governance of such immigrants, while Law 15 enabled private individuals to introduce labourers at their own expense. Indian immigrants and their employers entered into contracts that would last for five years; however immigrants could buy their exemption from service after three years of service at an agreed amount. At the end of five years, the Indian immigrants automatically became free, and after ten years they were entitled to a free return passage to India, alternatively allowed to settle in South Africa. Ballinger (n.d.) states the Indian Immigration Notice of 1883 required that recruiters of Indian immigrants adhere to certain terms and conditions to be offered to Indians intending to immigrate to Natal. To ensure that these terms were met, the Indian government appointed officials whose purpose was to secure all these advantages for the emigrants to Natal. Indian immigration continued for several years until it was finally stopped in 1911 (Butterfield 1983).

Ballinger (n.d.) states that it was until 1913 with the passing of the Immigrations Regulations Act of 1913 that the need to stop immigration into the Union of South Africa was considered more seriously. The purpose of this 1913 Act was among other things, deporting as many Indians as possible, back to India. The only challenge was finding out whether records of all Indians not born in the Union were kept, as well as Europeans not born in the Union, convicted of offences falling under 1913 Act were kept. This led to the Indian settlers in South Africa launching a struggle against the consolidated forces which threatened their very existence. The Immigrations Regulations Act of 1913 resulted in a concerted effort to try to deal with unwarranted in-migration into South Africa.

Before the Berlin Conference was held in 1895 and a decision reached that colonial boundaries be drawn, the only remaining alternative for people across borders to continue interacting was through migration (Manona 1984). Many immigrants coming to South Africa had some viable contact with someone in this country either through friendship or long-standing family relationship (Maharaj and Moodly 1999). The same could be said of the relationships established with the banished members of the African National Congress. According to Manona (1984), the close connection between the migrants and their home countries means that as migrants try to adjust to

life in the host country; they almost invariably preserve strong links with their fellow country dwellers back home. The host-home country links suggests strong interdependence of the relationship migrants had with their fellow folks back home. This relationship is obvious in the frequent visits between host and home countries which should be regarded as important in disseminating information about opportunities in the host country. "Migration was the single most important reason tying together all the various colonies and countries of the subcontinent into a single labour market during the twentieth century" (Crush et al 2005: 1).

Ballinger (n.d.) points out that most immigrants came to South Africa after acquiring some trade, without which they were discouraged to do so. Others were allowed to come to South Africa after transferring from the Royal Navy to the South African Navy, however little is known about how successful these transfers were. For the British citizens, immigration was allowed on the strength of the Certificate of Naturalisation under the British Nationality in the Union and Naturalisation and Status of Aliens Act of 1926, which legitimised their stay in South Africa. Others had to appear before the South African Immigrants Selection Committee for gaining immigration status into South Africa.

> Early cases of unsuccessful application for earning immigration status involved the German refugee resident in Johannesburg in 1936 that appeared among the original list of candidates for deportation to Germany. The Hungarian natives also tried to gain residence in South Africa because of unsettled conditions in Eastern Europe. The Hungarian natives had to apply for immigration status to the High Commission for South Africa in Trafalgar Square, London (Ballinger n.d.: 1)

The two most important sectors that brought migrants into South Africa were mining and commercial farming. To a greater extent, men were the majority. According to Crush et al (2005), male labour migration to the mines were to South Africa, Zimbabwe and Zambia, while labour migration to the farms and plantations were to South Africa, Zimbabwe and Swaziland and this was based on the demand for labourers. Labour migration practices were biased against female migrants with the resultant number of females migrating illegally into South Africa in search of work opportunities. It is worth pointing out the mining sector and commercial farming sector were not the only employers of labour migrants, but factories, domestic service,

transportation and construction also hired migrants as well although there are no recorded figures (Crush and McDonald 2002).

Hofmey (n.d.) points out that more legislation was passed to address immigration into South Africa. This included the Aliens (Amendment) and Immigration Bill of 1939 meant to amend the Aliens Act of 1937, and other laws on immigration. "The 1939 Act was passed to provide for registering aliens; to make certain provisions in respect of the carrying on of trades, professions, callings and occupations by, and employing aliens; and to provide for the registration and disclosure of business names" (Hofmey n.d.: 1). Immigrants were also restricted for their political beliefs. A permit was not granted to a person who is known to be or to have been a member or supporter of any communistic organisation or to have espoused or professed the principles of communism.

The main employers of migrants in South Africa were the mines and farms because of lack of interest from locals to work in these sectors (Crush et al 2005). World Bank report (1999) as cited in Maharaj (2004) states that the countries surrounding South Africa, except for Namibia and Botswana, are among the poorest in the world, so it would be difficult to stop people from migrating to escape from poverty and destitution. According to Provincial Profile (2004), most immigrants have come to South Africa because of reasons of wanton poverty, civil wars and political instability prevailing in their countries. However most of the countries of origin have enough food, land and houses, but unemployment was a serious problem.

Between 1913 and 1986, Black people could only enter South Africa illegally or as contract workers as they were not allowed to acquire temporary or permanent resident permits (Peberdy and Crush 1998). Pinnock (1984) states that between 1904 and 1960 the population in all towns in South Africa had increased by eighty three percent (83.2%) but the population increase in the nine principal urban areas between 1921 and 1968 was no less than four hundred and twenty percent (420%). "The countries of southern Africa have been sending and receiving migrants since the mid-nineteenth century when labour migrants came to work on the Kimberley diamond mines, including modern day Lesotho, Zimbabwe and Mozambique" (Crush et al 2005: 2).

People have moved informally across borders from a long time ago, with international borders in existence long in the region without being well policed (Crush and McDonald 2002). According to Maharaj (2004) before 1960s there were no border

controls in the SADC states with migrants finding it easy to move to other countries to find work. This situation points to the fact that measuring informal movement of people is a very daunting task especially with employers and governments failing to produce any records to prove the extent of migration. "The structure, character and state of the South African economy compared with other African countries has been the driving mechanism behind most illegal migrations" (Maharaj 2004: 2).

For the reason given in the above stated paragraph, the differences between the economies of various countries in southern Africa as well as other countries will always put South Africa on the receiving end of attracting migrants. The states of southern Africa have been divided into migrant-sending countries (Mozambique, Malawi and Lesotho) and migrant-receiving countries (South Africa and Namibia) with Botswana and Swaziland falling in both groups (Crush et al 2005). At the same time, countries endowed with vast resources coupled with large-scale development ambitions have always sought extra human resources from beyond their borders without much regard for adherence to the legal requirements for granting migrants proper documentation (Kok and Collinson 2006). South Africa is no exception to this practice and resulted in large numbers of migrants coming to this country's shores.

Crush et al (2005) state that there are several identifiable migration streams, these include; cross-border migration; contract migration; legal migration; undocumented migration; forced migration (refugees and internally displaced persons); feminisation of migration; informal cross-border trade; and internal migration. All other migration streams have been widely researched, and the only one not fully researched is feminisation of migration. Feminisation of migration entails the acknowledgement of the fact that women are also subjected to the harsh realities of life such as poverty, conflicts, political turmoil, and economic hardships that force people to seek measures to help counter these challenges. "Migration is a significant livelihood strategy for women and women-headed households" (Crush et al 2005: 15). A point to note is that women migrate for various reasons even though they appear disadvantaged by the migration experience than their male counterparts. According to Spiegel (1984), male migrant workers were accommodated in hostels and compounds with no provision for female migrants, who at any rate could have been in the country illegally. Female-headed households endured relative insecurity compared with male-headed households especially if they lacked a wage-earning member through labour migration.

3.3 Migration into South Africa post-1994

Following introduction of democracy in South Africa in 1994, the changed political climate offered prospects of economic boom much sought after in the context of an African continent ravaged by continuing political and economic instability. Many migrants saw South Africa as a beacon of hope in Africa and an alternative home for all people in desperation. "Given the social and political instability, and economic deprivation in Africa, South Africa will continue to be a haven for people who are desperate to improve their lives" (Maharaj 2004: 8). The fact the current government of South Africa, headed by the African National Congress, previously saw many of its leaders and members exiled in many African countries created feelings that South Africa owes much to states that harboured South Africans during trying times. This provided migrants with an opportunity to expect favourable conditions when they migrated into this country.

However, the prevailing situation of continuous inflow of migrants into South Africa was somehow never anticipated, without any contingency plan to deal with all sorts of immigration into the country. It was also obvious there was no properly expressed policy to address or discourage immigration into South Africa. The expected benefits associated with democratic states were never realised to the frustration of most impoverished South Africans, with the resultant hatred towards African immigrants. The perception is that most immigrants in South Africa seem to enjoy fewer restrictions compared to the conditions under which most South Africans lived during their years of exile in various countries. Crush et al (2005) state that except for South Africa, by law and in practice, countries in the region want refugees and asylum seekers to live in earmarked areas, usually some form of camps.

Polzer (2010) asserts that under the 1998 Refugees Act, South Africa has a policy of self-settlement and self-sufficiency for asylum seekers and refugees, including the right to work and the right to access public health care and education services. The rights of refugees are also outlined in the 1951 United Nations Conventions and the African Union's Convention on Refugees, both of which South Africa has signed. Also, on regional migration management, the 2007 South African Development Community (SADC) protocol on the Facilitation of Movement of persons foresees the progressive facilitation of movement in the SADC region through introducing free visas and rights for citizens of the region to work and develop. Beyond this protocol, there is little

regional legislation on the movement of people apart from international refugees and asylum conventions.

The situation on regulating migrants in South Africa saw many loopholes being exploited by both legal and illegal immigrants alike. According to Maharaj (2004,) of the 130 000 foreign visitors who came to South Africa in 1996 and remained in the country after their visas expired, only a few were arrested and deported. Of all those who were deported, 23 were from the United Kingdom, 13 from Germany, 8 from the United States of America, 4 from Australia, 2 from Belgium and 1 from Switzerland. However, in 1995, about ninety eight percent of deportations were to southern African countries. This state of affairs points to discrepancies in the way illegal immigration into South Africa is dealt with, immigrants from most African countries experiencing a greater degree of bias while the immigrants from developed countries enjoy preferential treatment.

Crush et al (2005) postulate that the inclusion of South Africa as a member of South African Development Community meant that certain regional conventions on matters of migration had to be obeyed. The 1951 Convention relating to the status of refugees and the 1969 Organisation of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa placed certain obligations on member states to exercise restraint in dealing with immigrants. Differences in refugee and asylum policies are significant and harmonisation of policy could set up minimum standards. There is also a challenge of providing protection to trafficked persons, for which SADC countries have no specific legislation to that effect, specifically, legislation that outlaws child labour and protects children from exploitation.

The question of cited alarming numbers of illegal immigrants in South Africa also tends to paint a bleak picture of the challenges posed by lack of proper management of this phenomenon. According to Kollapen et al (1999), the lack of an effective strategy to regulate the inflow of illegal immigrants into the country has resulted in authorities employing enforcement tactics that are reminiscent of an earlier era. Further argument that is advanced is that stopping legal migration leads to increased illegal migration. What is required is for the South African government to identify major migrant producing countries and work in partnership with their respective governments to address illegal immigration. This could take the form of allocating some funds from the South Africa's illegal immigration control budget to fund projects in the sending countries. As a matter of expediency, unless governments also provide incentives at

home, people will always find a way to migrate. The key point to consider is that the push factors are more dominant than the pull factors in migration decisions. In a way it can be argued the economic and political insecurity of South Africa's neighbouring countries is imposing insecurity in South Africa.

3.4 Summary

This chapter serves to put into perspective the reality that migration has existed from time immemorial, irrespective of the form it takes, whether internally or internationally. The challenge of illegal immigration will remain unresolved because there are no measures to stop people from interacting with their relatives and friends. Most immigrants in Gauteng Province and other provinces that is wealthier, like the Western Cape and KwaZulu Natal, have literally settled in these provinces. As a result it is easy for their relatives and friends to seek refugee with them when they come to South Africa. The history of migration into South Africa represents a mixture of various circumstances where people migrate for economic and political reasons as well as reunification with relatives and friends.

To compound matters, immigration policy is not well suited to national as well as regional needs and ambitions to the extent that migrants are victimised from all spheres, by authorities and citizens of the host countries. A case in point is the violent xenophobic attacks that erupted in Gauteng Province during 2008. . The onus is on the authorities to interact with neighbouring countries harbouring people with such ties to map out a solution to this challenge instead of continually deporting people who would forever cross borders to continue personal missions of meeting their loved ones.

Polzer (2010) argues that what is important is for infrastructure planning to consider migration patterns including rural-urban migration and movements into small towns. The provincial authorities are expected to come up with plans to deal with large scale migrations into provinces like Gauteng to prevent instances where citizens will be pitted against immigrants. In the same way, proper management of migration into South Africa need a concerted approach involving various ministries of government to ensure cooperative approach in addressing issues of governance.

4 EXPLORING EXPERIENCES OF ILLEGAL IMMIGRANTS AND OFFICIALS WHO MANAGE IT

To address the research question, "why have intervention security strategies and measures to address illegal immigration into South Africa, in particular Gauteng province failed?" this chapter explores the experiences of illegal immigrants and officials who manage illegal migration. Section 4.1 discusses the research design and procedure for this study; these include the information the study needed, the data collection instruments, the target sample of the study, and the data collection process. Section 4.2 discusses findings including an insight into the profile of the participants. Lastly, Section 4.5 concludes and discusses the survey.

4.1 Research design and procedure

4.1.1 The research approach

This research follows a qualitative approach with a research design of a survey, based on nonprobability sampling. Mouton (2006) as well as Leedy and Ormrod (2010) guide the research procedure used to conduct social sciences research, and these include the information the study needs, target sample, data collection, and data analysis. They point out that, more often, qualitative researchers are intentionally non-random in their selection of data sources, and therefore their sampling is mostly purposeful. The nature of this study needed data be collected from people with a background on immigration matters in South Africa, as well as the people detained for being illegal immigrants.

Mouton (2006) postulates that, to collect data, the researcher needs some form of measuring instrument, which can take the form of questionnaires, observation schedules, and interviewing schedules or any suitable instrument that would meet the objectives of the study. For the purpose of this study, a survey research interviewing with an interviewing schedule would be employed. According to Neuman (2011), survey research interviewing is a specialised kind of interviewing whose goal is to obtain accurate information from another person. The interviewer asks prearranged questions and records answers provided by the respondent. " The interview is a short-term, secondary social interaction between two strangers with the explicit purpose of one person's obtaining specific information from the other"(Neuman 2011: 305).The data collection instrument directs the manner in which data is collected by ensuring the purpose of the research is not compromised. All the respondents should be asked

similar questions to elicit information that would serve the aim of answering the research questions without any deviation from the norm.

The data collection instrument comprised an in-depth interview schedule—with some questions targeted at detained illegal immigrants others at officials managing immigration in South Africa. According to Kollapen and others (1999), the interview schedule derives data from the primary source, that is, the respondent. However, questions relevant to this study were adapted from Kollapen et al (1999) as well as Human Sciences Research Council (2008) and are made up of open and close ended questions. Using existing instruments has certain advantages such as saving time and costs, especially if one believes that the adapted instrument is high valid and reliable (Mouton 2006). A voice recording device was not used because permission was not gained, and therefore responses to questions were noted by hand with clarity sought were necessary. We are aware, as Campbell (n.d.) argues, that because of the irregular nature of illegal immigration, it is difficult to mobilise accurate data on the subject. Therefore, "the reliability of illegal immigration data is contestable because available statistics cover only those who were arrested" (Campbell n.d.).

4.1.2 The information the study needed

The interviewing schedule comprised of fourteen questions (Appendices 1 and 2) divided into four themes, and these questions were mainly open-ended type questions. The three questions that made up the first theme; characteristics of illegal immigrants by numbers, age, sex and country of origin provided the respondents with the opportunity to give their viewpoints based on their observations with regard to the composition of the perceived illegal immigrants. The information the study needed in order to provide responses to the research questions entail the following:

1. Elementary biographical information of the respondents like age, sex, designation, and for officials; experience in years dealing with migration matters.

2. Views on the effectiveness of policies in dealing with immigrants.

3. Insight into the perceived major migrant- producing countries; that is any knowledge of where most illegal immigrants originate from in terms of their countries of origin.

4. Figures used to measure inflows and outflows of migrants.

However, details of the major refugee producing countries and the estimates of illegal immigrants were not readily available and therefore, the study could only meet the requirements of only three questions.

4.1.3 The target sample and data collection

The target sample was at least two illegal immigrants detained at Lindela Repatriation Facility who volunteered to be interviewed. Also interviewed were the following: two officials from the Department of Home Affairs who manage illegal immigration; one official from the South African Police Service; and one official from the South African Human Rights Commission.

This study targeted individuals who have either experienced illegal immigration into South Africa or have prior knowledge of past policies that dealt with immigration in general, as well as an understanding of current migration legislation and policies. Leedy and Ormrod (2010) argue that qualitative researchers select those individuals or objects that will yield the most information about the topic under investigation. The research identified the officials from the Department of Home Affairs, the South African Police Service, Lindela Repatriation Facility, and the South African Human Rights Commission as the key sources of information, as these institutions deal with immigrants. The target sample was purposively selected because of its direct engagement with the subjects of this study.

The Department of Home Affairs

This is one of the institutions that draw its existence from the Constitution of South Africa and is charged with administering all matters on legal requirements of staying in the country (The Constitution of South Africa 1996). All documents that deal with compliance for entry into the country are issued by this Department.

The South African Police Service

This is another establishment sanctioned by the Constitution of South Africa to "prevent, combat and investigate crime, to preserve public order, to protect and secure the inhabitants of the Republic and their property, and to uphold and enforce the law" (The Constitution of South Africa 1996: 115). As one of its mandates, the South African Police Service has to apprehend anyone considered to be in South Africa illegally.

The South African Human Rights Commission

According to the Constitution of South Africa (1996), this institution is established to support constitutional democracy by promoting the rights of all people in the country irrespective of their status as citizens, legal or illegal immigrants. Therefore, the

institution has the responsibility to promote respect for human rights and culture of human rights based on the principle of fairness.

Lindela Repatriation Facility

This institution serves as a facility where people who are detained for failing to produce valid documents to the effect of their stay in South Africa are accommodated pending deportation to their home countries. The facility is regarded as a temporary detention facility because the country cannot harbour the presumed illegal immigrants in ordinary prison facilities.

The study interviewed officials from each institution, at least one senior, middle and junior management level. The interview lasted for thirty minutes at the most. The interviewees were asked to answer all questions where possible and were informed that they were not obliged to take part. The respondents were asked to respond freely to questions without fear of reprimand and interruption. In noting the manner in which respondents responded to questions, especially the officials of the Department of Home Affairs, it was clear that they answered to the extent where they felt comfortable with the questions. Questions asked were open-ended and there were no right or wrong answers provided. Fortunately, all the respondents participated in the study. Occasionally challenges on the motives behind migration appeared similar while in others there were divergent viewpoints expressed. However, what is essential is that all the respondents are privy to matters on migration.

4.1.4 Data analysis

There are various approaches to data collection and each depends on the objectives of the study and the researcher's preferences. However, what is important is the analysis of these data. Campbell (n.d.), Neuman (2011) and Kollapen et al (1999) describe methods of analysing qualitative data. "Qualitative data are in the form of text, written words, phrases, or symbols describing or representing people, actions, and events in social life" (Neuman 2011: 457).

The key issue in data analysis is making sense of the raw data derived from the responses provided by the respondents. According to Neuman (2011), data analysis means a search for patterns in data, and this includes looking for recurring behaviours, objects, phases, or ideas. The researcher is required to put more effort to read and reread data notes, reflect on what is read and make comparisons based on logic and judgement. Where necessary, the data provided by the respondents must be summarised, paraphrased and converted to meaningful ideas.

Data analysis entails making inferences to compare collected data with related evidence to avoid errors. After transcribing the data, generalisations were made from the collected data to make sense of ideas, concepts, and themes to pave way for reporting findings (Babbie and Mouton 2005). In this way, conceptualisation is considered one-way of organising and making sense of the data. Coding data is employed to enable the reduction of large amounts of raw data into small, manageable piles (Neuman 2011). On completion of data analysis, the data is ready for interpretation, then the findings presented.

4.2 Findings

Respondents were both men and women with ages ranging from 28 years to 40 years; with experience in immigration matters either as officials or subjects involved in illegal immigration. Here we present their account of events as realised and communicated by them. They answered the questions based on their experiences on immigration matters both as policy implementers or as people affected by this policy.

Recall that, we classified the fourteen questions into four themes, namely: characteristics of illegal immigrants by numbers, age, sex, and country of origin; theoretical perspective; management issues; and policy challenges. In the Sections that follow, we provide a detailed of the account of each theme. There is a fine line between the four themes. For example, the themes, characteristics of illegal immigrants and theoretical perspective overlap to a greater extent, and the questions posed for these two themes were answered by all the respondents with little variations.

4.2.1 Characteristics of illegal immigrants by numbers, age, sex, and country of origin

All the respondents believed there are indeed large numbers of illegal immigrants in South Africa but they could not commit to providing estimates for fear of over or under reporting. One concern that all respondents raised was that whoever provided the figures was just being speculative. Because of this concern the claimed figures for illegal immigrants are flawed because of the failure to recognise the tendencies of including South Africans who are mistakenly assumed to be illegal immigrants. Two of the respondents detained at the Lindela Repatriation Facility pointed out that "there was an instance when we were detained with some South Africans, especially those from Limpoppo province".

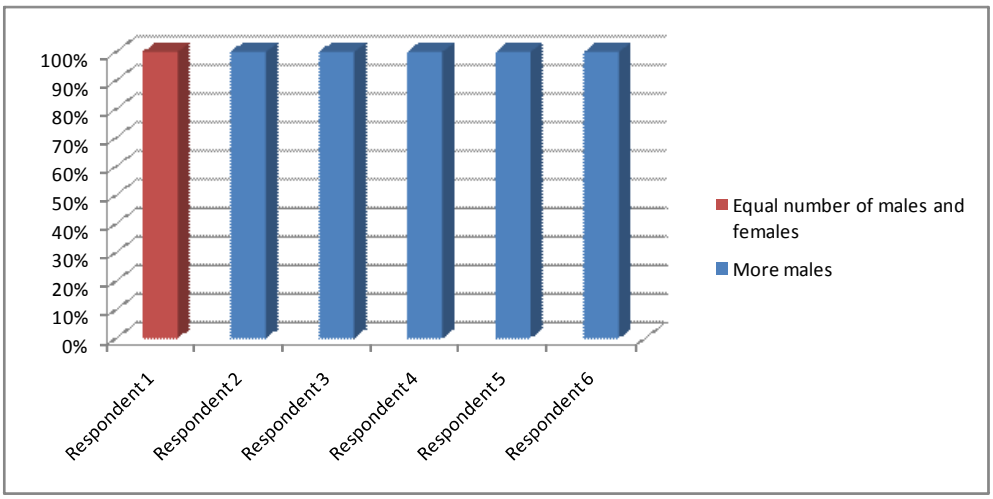
With regard to the arrest of immigrants with legal documentation, it appeared that the police and immigration officers refused to accept the validity of their

documents. The police and immigration officers refused to listen to the explanations given by the immigrants with documentation instead went on to arrest them indiscriminately. Those detained are mainly in the 20 to 40 years age groups, as these are healthy and mobile people. The sick and the elderly are rarely found among the detainees.

The respondents went on to highlight the point that the majority of the unlawful immigrants are mainly males. Usually those who manage to settle in South Africa illegally keep in touch with their families back home, and even go to the extent of providing all sorts of support from their earnings in South Africa. After settling in South Africa, they go back to their home countries to invite their partners and children to their 'newfound homes'. The reason for males dominating the proportion of immigrants is that naturally, illegal immigration is seen as risky business that males are prepared to take on the risk. Recently, there are more or less similar figures for male and female illegal immigrants based on every ones wish to strive to survive.

On the question of the countries of origin of illegal immigrants, the respondents were unanimous in pointing out that the illegal immigrants came from various countries without exception. It would be difficult to pinpoint which countries are the major migrant producers. Besides, they highlighted that were you discovered large communities of migrants from one particular country it is because of their shared history and identity. Figure 2 depicts the situation as explained by most respondents.

Figure 2: Characteristics of illegal immigrants by social construct



4.2.2 Theoretical perspective of illegal immigration

The essence of this theme is to understand the nature of illegal immigration into South Africa based on the theories of migration and showing the dominant forces behind widespread illegal immigration. As explained in Section 2.5.1, the push factors are responsible for people leaving their countries involuntarily and are based on Eisenstadt' (1954) theory of migration. In the same way, the pull factors are responsible for people leaving their countries voluntarily and are based on Ravenstein's (1885) theory of migration, Piore's (1979) Dual labour market theory, Hugo's (1981) Network theory, Wallerstein's (1974) World systems theory, Kritz, Lim and Zlotniks' (1992) Unified migration systems theory and Besher's (1967) Decision theory of migration. The responses are supposed to confirm or refute what the theories express.

The push factors are a collection of all that people regard to be hostile to their personal well-being, like lack of employment opportunities, conflict, political instability, poverty, starvation, economic underdevelopment, as well as lack of collective safety and security. When asked about what pushes immigrants, both legal and illegal immigrants, to come to South Africa and defend their stay in the country at all costs, several responses were provided. The common response is given by one respondent; "back home I spent days without seeing the sight of food and not knowing where next can I find any means to survive". In retrospect, all respondents agreed that poverty and starvation were the major push factors behind migration to South Africa. Other factors highlighting the prevailing conditions in the illegal immigrants' home countries include lack of alternative ways to survive, unbearable conditions brought about by conflicts, political turmoil and general lack of safety and security to their personal well-being.

The other respondent had this to say; "in my home country my people are excluded from economic participation, and there are no job opportunities for us irrespective of the skills we have". Faced with this dilemma, people had to find ways to support their families; hence illegal immigration was considered an alternative. Given the state of affairs of countries of origin of most illegal immigrants, it is sufficient to point out that this was no preferred solution but an enforced decision.

In response to the question; 'what pushes illegal immigrants to the extent of defying legal enforcements?' One respondent had this to say: "I would rather die than go back to my home country where I am subjected to the life of misery and pain". The respondent alleged that going back home was as good as subjecting oneself to wanton suffering and death. It came as no surprise to learn that most illegal immigrants are

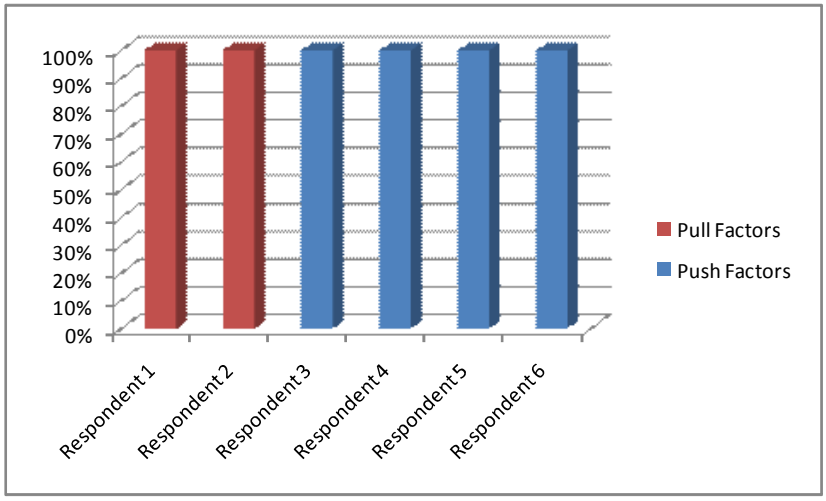
prepared to resist all attempts to deport them back to their home countries. The other respondent pointed out knowledge of cases of deportees who jumped out of moving trains and buses with resultant injuries and deaths in defiance of deportation orders. This situation points out to the desperate efforts made by illegal immigrants to attempt to secure their stay in South Africa.

The other point raised by respondents is that any attempts to get legal documentation with the aim of achieving the status of legal immigrants are met with frustration from the authorities. These way most illegal immigrants seek alternative ways of acquiring legal documentation, even if it means following illegal channels to do so. An assertion was made that; "what is sad is that those who are able to influence some officials financially, receive legal documentation with ease". This unfortunate situation is viewed in a negative light by those trying to follow the correct procedure in applying for legal immigration status and result in some prospective immigrants crossing the border illegally into South Africa.

On the question of the influence exerted by the pull factors in driving people to the extent of migrating illegally, a number of responses were provided. The pull factors are a collection of all that which people regard as favourable to maximise their chances of creating wealth and surviving. These include all the economic opportunities that host countries offer and which may not be present in the home countries of illegal immigrants. A point to note is that people who respond to the pull factors do so voluntarily and are driven by personal ambitions.

One issue raised was that of South Africa having to return the favour granted to South Africans harboured in their countries during the apartheid era. The establishment of a democratic South Africa in 1994, and the formation of the government by the African National Congress (ANC) resulted in the thinking that immigrating to South Africa would be easily achieved. The historical ties that the ANC established with a number of countries were seen as a passport to gaining entry into South Africa. The respondent clearly stated that; "many South Africans were 'home' in my country and benefited from the security that my country offered, so I don't understand how that is forgotten in such a short period". To give a more vivid picture of what the respondents highlighted, Figure 3 is employed. Based on Figure 3 below, four of the six respondents felt that the push factors were more dominant in driving most illegal immigrants from their home countries without the illegal immigrants thinking of the effects of migrating illegally.

Figure 3: Influence of the push and pull factors on migration decisions



Two of the six respondents felt that the pull factors were dominant in migration decision. The pursuit of wealth creation opportunities, seen as plentiful in South Africa, also serves to attract several illegal immigrants who feel that their countries are not geared towards the correct path of growth and development. Some people are nomads who want to settle in any country should the opportunity exist. Normally these are people who do not want to settle permanently in any one country, but are always on the move. Given the economic opportunities South Africa provides some illegal immigrants see this as the way to earn means to support their families back home.

On the attractiveness of Gauteng Province to many illegal immigrants, the respondents had this to say;

> "Gauteng Province is a paradise that offers prospects for better life and personal development in which hard work is a guarantee for financial rewards. The riches of Gauteng province are up for grabs; all what is essential is the willingness to sacrifice by working hard and in earnestness. Opportunities for survival are great and everyone is free to start an informal or formal business with ease. It is also possible to start small and climb the economic ladder to success in this province. Gauteng Province is the economic powerhouse of South Africa and serves as a good hideout for illegal immigrants and undocumented immigrants who find it simple to set up informal networks of fellow compatriots able to support one another under all circumstances".

From these responses, clearly Gauteng Province holds many advantages for illegal immigrants who are always ready and prepared to grasp whatever opportunity presents itself for exploitation. Most illegal immigrants have so much to benefit from settling in Gauteng province instead of other provinces for the known reason that most are here to make as much income as possible to return home someday. As one respondent claimed; "it is not worthy to live your home country for a foreign country where you are often treated with little or no respect. If it were not for the unfortunate circumstances we find ourselves in, illegal immigration to South Africa would not be the preferred route". Following from this last remark, it could be argued that any improvement in the lives and hopes of people from the most illegal immigrant sending countries, South Africa would not be swamped with large numbers of illegal immigrants.

On the issue of repatriated illegal immigrants resurfacing in South Africa within days of being deported, the respondents agreed unanimously that most repatriated illegal immigrants return within forty eight hours of being deported. One respondent charged with managing immigration matters postulated that; "this is a no-win situation because most illegal immigrants are apprehended and deported more than once". The other respondent emphasised that "some illegal immigrants bribed some officials to secure their release on the way to their home countries when they are deported". The reason behind most illegal immigrants' return to South Africa could be because of the closeness of South Africa to some of the countries that are home to some illegal immigrants like Zambia, Zimbabwe, Swaziland, Mozambique, Malawi, Lesotho and the Democratic Republic of Congo. In the words of the other respondent, countries which are less known for producing refugees are Botswana and Namibia due to fact that these countries are said to be relatively stable.

The circumstances surrounding resurfacing of most repatriated illegal immigrants in South Africa suggest South Africa's borders are porous or there are fraudulent activities involving some officials charged with immigration matters. Other respondents cited lack of reasonable deterrents to prevent illegal immigrants from crossing the borders illegally. It is worrying to realise the ease with which most illegal immigrants enter South Africa without fear of conviction. This state of affairs does not augur well for South Africa's safety and security especially the thought that illicit activities are conducted undetected to a greater or lesser extent. It remains a mystery why so many illegal immigrants can re-enter through various ports of entry when there

are supposedly tight conditions to regulate admission of people to South Africa, including their residence in the country.

In concluding this section on how the theories explain the reasons behind both legal and illegal immigration, it can be argued that the push factors carry more weight than the pull factors in influencing migration decisions. To support this latter statement, it can be assumed that if the circumstances in the home countries of most immigrants were stable and conducive to healthy living, it would be normal for people to remain in their countries.

4.2.3 Policy challenges

Policy on migration into South Africa is clear and is for all intents and purposes based on the Immigration Act no. 13 of 2002. This Act covers all matters on immigration into the Republic of South Africa and recognises as well as encourages public inputs in further stages of policy formulation (Immigration Act of 2002). The Act delegates the responsibility to administer immigration matters to the Department of Home Affairs while promoting interdepartmental coordination in carrying out functions of immigration control. Subsection (h) of the preamble of the Immigration Act of 2002 states that "immigration laws are efficiently enforced, deploying to this end significant administrative capacity to the Department of Home Affairs, thereby reducing the pull factors of illegal immigration" (Immigration Act of 2002).

The theme; policy challenges, is concerned with what is not done correctly or maybe overlooked in implementing policy to the extent of allowing illegal immigration into South Africa to continue unabated. The continuous inflow of illegal immigrants into South Africa has the potential to create insurmountable problems. This is because any suspicion by South Africans, that services meant to uplift their well-being are consumed by illegal foreigners, may lead to xenophobic violence with damaging effects.

In response the question, 'what could be the major loophole in allowing illegal immigrants into South Africa?' Several responses were provided. First, it must be admitted that whatever actions are taken to monitor South Africa's borders, these borders nevertheless remain porous. Second, there is a possibility that lack of capacity to seal the ports of entry is hindering progress in illegal immigration control or that proper monitoring to deter, detect and punish any violations of the law is nonexistent.
Third, there could be any other people apart from officials of the Home Affairs who are also producing and issuing fake documentation used to enter the country. Fourth, there are possibilities of syndicates involved in illegal trafficking of people into South

Africa without being detected. Fifth, there is a greater possibility that some officials based in the department of Home Affairs are involved in issuing fraudulent documents that allow illegal immigrants free entry into South Africa. Sixth, there are claims that any attempt to earn immigration status legally is frustrated by the authorities to the extent of people crossing into the country illegally.

When it comes to the question; 'what is the procedure of dealing with apprehended illegal immigrants?' The responses given were more or less unanimous. All the respondents asserted that "once detained, a suspect without documentation is given the opportunity to have anyone that knows them to bring forth their documentation for authentication and if valid, the suspect is released". Alternatively, the suspects have to prove beyond reasonable doubt that they are in the country legally. Should the suspects be found to have violated the immigration laws, they are then detained at Lindela Repatriation Facility pending deportation to their home countries. Subsection (f) of Section (2) of the Immigration Act of 2002 states that the Department of Home Affairs may in cooperation with the Department of Foreign Affairs –

(i) promote programmes in foreign countries with the aim of deterring people from becoming illegal immigrants;

(ii) table the need for cooperation in preventing migration towards the Republic on the agenda of relations with foreign states, negotiating suitable measures and agreements with such foreign states".

From the previous paragraph, it can be understood that policy dictates what should be done but whether implementation happens is difficult to say. As for the officials, it is difficult to ascertain whether they find it difficult to implement policy. The initiatives to work in partnership with foreign states in addressing illegal immigration into South Africa is proof that illegal immigration into the country is indeed a challenge.

On the question; 'what role does each organisation play in dealing with illegal immigration into South Africa?' The respondents clearly knew the mandates of their respective organisations. "The South African Police Service enforces the law by arresting those who break the law including but not limited to illegal immigrants. The South African Human Rights Commission plays an oversight role by ensuring that gross human rights violations are exposed and reported to the authorities. The Department of Home Affairs is charged with all matters on the administration of immigration control, while Lindela Repatriation Facility is the temporary holding facility for illegal immigrants who are awaiting deportation to their home countries".

To this effect, each institution of government should know its role with regard to the collaborative task of managing illegal immigration into the country. There are no excuses for not performing the authorised functions or duties. What remains to be answered is to what extent does every official of the institutions charged with administering immigration control committed to the Constitutional obligations of the country.

4.2.4 Management issues

Managing illegal immigration into South Africa is the exclusive domain of those charged with implementing policy and carrying out the mandate of the government for the benefit of all South Africans. To explore the challenges faced by management about managing illegal immigration into South Africa, the questions were posed to all the respondents save the illegal immigrants detained at Lindela Repatriation Facility. Effective management of illegal immigration into South Africa cannot be accomplished without the employment of funds. It came as a surprise that the officials had no knowledge of the budgetary allocations for managing illegal immigration into the country.

However, according to the National Treasury the following budgetary allocations were made to enable the Department of Home Affairs to carry out its authorised tasks and roles as mandated by the Constitution of South Africa. Table 5 in the next page shows that immigration control is one of the functions of the Home Affairs and its budgetary allocations are included under immigration services. The allocations for immigration control as shown in Table 5 indicate that the government is making an effort to deal with immigration into South Africa. What the Department of Home Affairs needs to do is to utilise these resources to manage immigration into South Africa effectively.

Table 5: Bugetary Allocations for Home Affairs

HOME AFFAIRS					
Budget summary		2010/2011			2011/2012
R thousand	Total to be paid	Current payment	Transfers and subsidies	Payments for capital assets	Total
MTEF allocation					
Administration	1 470 926	1 371 767	1 338	97 821	1 468 761
Services to Citizens	1 446 011	1 401 247	3 266	41 498	1 386 155
Immigration services	**1 219 694**	**1 219 414**	**280**	**0**	**1 238 469**
Transfers to Agencies	1 528 953	0	1 528 953	0	910 135
Total expenditure estimates	**5 719 584**	**3 992 428**	**1 587 837**	**139 319**	**5 003 520**

Source : National Treasury; Republic of South Africa

"Immigration services include developing the strategy for deporting illegal immigrants; the operational management of services at Lindela holding facility, which includes accommodation; catering; security and medical services for offenders, and liaising with embassies on the deportation of illegal immigrants. Funding is mainly used for salaries, operational costs for the holding facility and transportation costs for deportees" (National Treasury 2010: 12).

When it comes to the question of 'what part of South Africa's budget is for illegal immigration control' one respondent had this to say: "I have no idea of the figures involved but my unit has a mandate to oversee and deal with illegal immigration into South Africa as well as outbreaks of xenophobic violence, where most immigrants, legal and illegal, fall victim to violence". Carrying out a mandate of this importance surely needs resources, without which it would be difficult to perform the required tasks. Therefore budgetary allocations are made for exercising the respective duties.

The other respondent further accepted that the budget for illegal immigration control is allocated but has no knowledge of the amount involved. The respondent declared that "the deportation or repatriation of illegal immigrants would not be possible without resources to carry out this task". Repatriations are preceded by temporary detention of illegal immigrants at the Repatriation Facilities, where they are held and provided for with all the basic needs while awaiting their deportation. The act of deporting illegal immigrants involves incurring costs associated with transportation. It is important to have budgetary allocations to make the carrying out of all routine operations associated with illegal immigration control. The budgetary allocations for

illegal immigration control are also supported by the Immigration Act of 2002, and in particular the budget of the Department of Home Affairs.

In response to the question of the availability of instruments or measures to deal with illegal immigration into South Africa, the respondents had similar and divergent responses. The first respondent pointed out that policy empowered his unit to deal with illegal immigration into South Africa through cooperative approach involving various stakeholders in encouraging illegal immigrants to leave South Africa voluntarily. The other two respondents pointed out that their duty is to ensure that only people with authentic documentation should be allowed to be in South Africa. Various institutions must exercise immigration control by ensuring that they perform their duties within the highest applicable standards of human rights protection (Immigration Act of 2002). This entails accommodating illegal immigrants, and protecting illegal immigrants from attacks and harassment while awaiting their deportation. It was also evident that there are people who hold the view that all immigrants are indeed illegal. One respondent indicated that there is a need to sensitise and educate South Africans about such misconceptions.

The second respondent recognized that there are instruments or measures to deal with illegal immigration into South Africa but doubted the effectiveness of such instruments in delivering the desired results. The concern was the little concerted effort in recognising the seriousness with which illegal immigration into South Africa should be dealt with. The result is the frustration of some South Africans to the extent of thinking that they can take the law into their own hands and root out illegal immigration into the country. However the effects of this state of affairs are the inability of most perpetrators of xenophobic violence to distinguish legal immigrants from illegal immigrants.

The third respondent alluded to the fact the Immigration Act of 2002 is vocal on how illegal immigration into South Africa should be dealt with. However, implementing the policy is a major challenge in many respects. There are cited incidents of corrupt officials doing as they please and little monitoring being done to find out if implementation is being carried out. The respondent asserted that dealing with illegal immigration into the country cannot be solved by creating more or laws and policies, but by ensuring there is proper implementation and monitoring of the existing policies. There is much unwarranted dissatisfaction with illegal immigrants in South Africa, which in essence is misdirected. The government should shoulder the blame for failing

to address this matter in the most fitting manner possible; since the state has the resources to provide for the security of all South Africans.

The fourth respondent explained that instruments or measures to deal with illegal immigration into South Africa are supposedly in place as reflected by the deportation of about a thousand illegal immigrants from the country almost every month. However, deporting such a small proportion of illegal immigrants amidst claims of large numbers of illegal immigrants cannot be seen in the positive light. There are also strict measures contained in the Immigration Act of 2002 which are meant to deter, detect and punish illegal immigration into South Africa, but the success of such measures remain questionable.

Regarding the responsibility to monitor illegal immigration into South Africa, the respondents had this to say; "it the responsibility of the department of Home Affairs since the institution is charged with all matters on the issuing, authenticating and withdrawing of documentation granting legal status to remain in South Africa. The police only come into the picture to carry out constitutional duties about dealing with any violations of the laws where and when they occur". The other respondent remarked that the South African Human rights Commission is an oversight body that monitors the situation of human rights violations but how successful this is done remains a mystery.

The situation on the interdepartmental cooperation in stamping out illegal immigration into South Africa is crucial for achieving long term stability in the country. Xenophobic violence that erupted in the past signalled that failure to address illegal immigration into the country has devastating outcomes. The other departments can only support the Department of Home Affairs, but the responsibility to sort out matters of immigration is the responsibility of Home Affairs.

Cooperative governance in all matters of interest to South Africa is one of the Constitutional mandates that cannot be overemphasized, and illegal immigration into South Africa is no exception. Managing illegal immigration into South Africa is in the best interest of all South Africans and it augurs well for the country's security. One respondent remarked that complaints of harassing illegal immigrants by the police and immigration officers should be addressed so the officials act with restraint. At the same time, the unfair treatment meted out to some applicants for immigration status by some officials of the Department of Home Affairs also undermines the credibility of the state.

4.3 Conclusion and limitations of the study

The chapter provides an overview of the methodology the researcher employed as well as the findings from the interviews. The target sample selected for drawing data is clearly identifiable in its usefulness to this research, as does the research design. This sample comprise of two officials from the department of Home Affairs, two illegal immigrants detained at Lindela Repatriation Facility, one official from each of the South African Police service and the South African Human rights Commission. The research design; in this instance; an interview schedule, elicited as much information as would serve the purpose of answering the relevant research questions. The nature of questions was such that officials would answer all the questions in the interview schedule, while perceived illegal immigrants would answer only questions applicable to them.

The respondents were asked to be frank when responding to questions and to answer what they knew. The information provided would be used solely for research purposes. Fortunately all the respondents participated in the study and provided useful information. All the respondents highlighted their understanding of migration issues, both because of their involvement in managing this phenomenon as well as their status as affected parties. It became apparent that the issue of managing illegal immigration into South Africa is fraught with many challenges and complications compounded by the presence of too many players and occurrences in this domain.

The responses provided were classified into four themes which served to highlight the overall challenges posed by the phenomenon of illegal immigration into South Africa. The themes are: the characteristics of illegal immigrants by numbers, age sex and country of origin; theoretical perspectives of illegal immigrants; policy challenges; and management issues. Each theme emphasised aspects of illegal immigration into South Africa which require a concerted effort on the part of all institutions in dealing with these phenomenon. Central to the question of migration is the explanation provided by the push and pull factors which account for migration decisions. The key focus is how best South Africa can direct the resources to address immigration into the country by working with the home countries of illegal immigrants, which are the sources, instead of addressing the problem here at home.

Some of the key challenges are posed by officials charged with implementing policy and an unknown number of suspected syndicates who go about undermining states in pushing their own agenda. The officials are faced with a relentless challenge of deporting illegal immigrants who resurface in South Africa shortly following their

deportation. It is also difficult to say if the battle to deal with illegal immigration into South Africa is won or lost. The other factor posing serious challenges to the authorities is the unknown number of illegal immigrants in South Africa, the situation which cannot be catered for when budgetary allocations are made. Also, the authorities have experienced embarrassing situations where a number of South Africans have fallen victim to the police and immigration officers who mistakenly arrested them indiscriminately. Lastly, the question of rooting out corrupt officials from within their own ranks has posed a serious challenge to the authorities.

The sensitive nature of the topic, illegal immigration, makes it difficult to obtain all the information needed for the study, both from the officials and the perceived illegal immigrants. No one is prepared to accept their illegal immigrant status, as that has connotative implications. At the same time, the fact that the situation in the home countries of illegal immigrants seems to be ignored by the international community compromises the international declaration of human rights and dignity. This has left most illegal immigrants with no option but to seek refugee with the host countries, including South Africa.

Officials approached for providing data during interviews were limited in their disclosures and avoided being open for fear of victimisation by their superiors. Where the issue of the loopholes exploited by illegal immigrants to gain entry into South Africa were raised, the officials of the Department of Home Affairs would not provide detailed responses. The small target sample of officials and two illegal immigrants identified under previous sections may not allow for understanding the extent of the problem. There might also be biasness because interpretation of results would be based on the researcher's conceptualisation and generalisation of the data during data analysis.

5 SUMMARY AND CONCLUSIONS

This study is an attempt to find out answers to the continuing illegal immigration into South Africa amid policies adopted to stamp out or reduce this undesirable challenge of managing this phenomenon. This chapter summarises (Section 5.1) the research findings before presenting conclusions in (Section 5.2). Lastly, as a contribution to the ideals of achieving good governance by those making and implementing policy, Section 5.3 presents recommendations alongside identified research and policy gaps.

5.1 Summary

Chapter 1 provide an overview of the report by explaining the concepts that define migration. Migration is experienced globally and the receiving countries are usually victims of failure by the sending countries to govern according to the dictates of good governance. Continuous illegal immigration into South Africa has far-reaching results as seen by eruption of xenophobic violence because of jostling for limited resources between citizens and migrants. The background to the study centres on the presence of a well-drawn up policy on immigration into the country although implementation of this policy seems a challenge that remains unresolved. More importantly, the chapter presents the research problem statement, purpose statement and the research questions all within the study context.

Chapter 2 begins with providing useful information on the study setting. Although the study discusses illegal immigration into South Africa its focus is Gauteng Province. Past studies have attempted to discuss the challenges of migration in South Africa and elsewhere. Although these studies provide important information on the problems of immigration into relatively developed countries the conclusions on illegal immigration are indefinite. Therefore, we look for reasons underlying illegal immigration in established explanatory frameworks. The theories on migration show that these international movements are driven by either pull or push factors solely or in tandem. At this point, we suggest a conceptual framework for explaining illegal immigration into Gauteng province.

Chapter 3 discuss the historical origins of migration by looking at illegal immigration into South Africa from three perspectives. Migration into the country started through formal invitation of migrants into South Africa until the time when people started coming into the country on their own.

Chapter 4 investigates the challenge of illegal immigration into South Africa by drawing from the experience of all those involved in, or are affected by, illegal immigration control. In this chapter, we present accounts of officials managing illegal immigration as well as the illegal immigrants' experience in South Africa. The importance of this chapter is giving voice to the respondents that we use to improve our understanding of the discussion in Chapter 3. In the paragraphs that follow, we interpret the results provided by the respondents.

5.2 Interpretations of findings and conclusions

The discussions in this section are an interpretation of the respondents' responses presented in Chapter 4 to the interview questions without any unwarranted additions using the theoretical framework provided in Chapter 2. The analysis highlights the essence of the research questions based on the interviews conducted. The discussions identify gaps in South Africa's management of illegal immigration. The theories of migration explain the manner in which migration unfolds. This analysis is done within the context of policy on immigration control as prescribed in the Immigration Act of 2002 and supported by the Constitution of South Africa.

5.2.1 Characteristics of illegal immigrants by numbers, age, sex, and country of origin

Most respondents argued that at face value, there are more males than females, but the number of females is also on the rise. Over the years, the policy of apartheid had favoured male immigrants as opposed to female immigrants for the purpose of supplying cheap labour to the mining and agricultural sectors in South Africa. This proves the stereotype that males are more prone to migrate than females. The other point worth mentioning is that after settling in South Africa, most male immigrants go back to their home countries to invite their families back to South Africa on their return. Maharaj (2004) postulates that mining and agricultural sectors in South Africa have depended on male migrant labour from Southern African countries.

On the point of the age groups of illegal immigrants, it became clear that most are in the age group 20 years old to around 40 years old. The reason behind most of illegal immigrants being in these age groups is that these are people who are mobile and are healthy to endure any prevailing conditions. Most illegal immigrants keep in touch with and provide support to their families back home. Illegal immigrants set up networks of support among compatriots during their stay in South Africa as seen by groups of people staying in areas mainly occupied by their compatriots.

5.2.2 The relevance of migration theories to South Africa

From the interviews, it became clear that illegal immigration into any country is explained by migration theories. According to the Network theory, illegal immigrants establish networks of support that serve the interests of both the new arrivals and the established illegal immigrants in the host. The argument that most illegal immigrants are from one or some specific countries was dismissed by the majority of respondents. The point highlighted is that there are many large communities of illegal immigrants occupying different locations in Gauteng and other provinces alike.

Illegal immigrants from various countries tend to seek and stay in areas where most of their fellow country dwellers are found. Based on this finding, it can be argued that indeed the illegal immigrants are not from one specific country. Also, most illegal immigrants know their fate if apprehended, but nevertheless continue to take the risk of migrating to countries which offer them the opportunity to survive.

The theories highlight that illegal immigration is not a unique phenomenon but rather it is associated with certain circumstances that people in various countries come to terms with. Mostly either the pull or push factors become the dominant force. In this case, most respondents unconsciously agreed that push factors are the dominant force and thus have played a major role in their decisions to migrate.

The push factors are mainly the conditions which prevail in the immigrants' home countries to the extent that they flee their home countries in search of greener pastures as well as escaping hostile conditions. It can be argued that most respondents would not have left their home countries if the conditions there were favourable. The illegal immigrants found that they had no other alternatives but to migrate in pursuit of better life in foreign countries. Under normal circumstances no one in their right frame of mind would leave their home countries without knowledge of what life in foreign countries would offer. The main push factors identified are, but not limited to poverty and starvation, unemployment, political turmoil, tribal conflicts and economic underdevelopment. Failure to eradicate the push factors result in people experiencing hardships in their countries.

Consequence, South Africa's biggest challenge is managing illegal immigration in such a way that an attempt is made to ensure that illegal immigrants are not pushed out of their home countries. Addressing the push factors driving illegal immigrants out of their home countries is not a challenge to South Africa alone, but this seem to be the worst nightmare to all the countries regard to be well off. The only way to win this battle is to

work cooperatively with governments of the sending countries to reduce and finally eliminate these push factors.

In the same way push factors exert an influence in migration decisions, there are also the pull factors play a part in migration decisions of some migrants. The pull factors are clearly explained by Ravenstein's (1885) theory of migration. According to the theory people migrate to take advantage of opportunities offered by the economic conditions in foreign countries. Pull factors are a collection of variables that attract people to the extent of leaving their home countries with the aspirations of gaining better life elsewhere. Most illegal immigrants who respond to the pull factors are not necessarily from countries with worst economies, but they make individual decisions to migrate in search of wealth creation opportunities. These group of illegal immigrants is able to go back home whenever the conditions in host countries become unfavourable, as with South Africa's xenophobic violence of 2008 (Human Sciences Research council 2008).

South Africa as a host country is seen to be full of opportunities for survival. Some provinces are preferred to others based on the understanding that they are wealthier. Gauteng Province is the case in point, and this explains why the number of illegal immigrants in this province is seen to be higher compared to the numbers in other provinces. Given all the circumstances found in Gauteng province, most respondents pointed out that Gauteng remains the most desirable destination for illegal immigrants. It is common knowledge that Gauteng province is the economic powerhouse of South Africa, a pull factor that attracts most illegal immigrants to the province.

Further, Gauteng provides a good hide out for large numbers of illegal immigrants because of its populous condition. It is also easy for illegal immigrants to find their fellow compatriots with whom they could form networks of support for any of their folks. Gauteng province is seen to be teeming with opportunities for survival and it offers good prospects for wealth accumulation if one works hard. There is also an expectation from some illegal immigrants that they should be received warmly by South Africans since they hosted exiled South Africans during the apartheid era.

As for the instances where repatriated illegal immigrants have resurfaced in the country, the respondents agreed unanimously the situation is a challenge to the authorities because much funds are used to deport illegal immigrants. The depth and seriousness of this challenge suggests the following:

1. South Africa's borders are porous to the extent of allowing illegal immigrants free entry into the country.

2. There are officials, who are involved in illicit and fraudulent activities that allow illegal immigrants unhindered entry into the country.

3. There is widespread neglect for implementing policy on illegal immigration control.

4. The possibility exist there are syndicates involved in trafficking illegal immigrants into the country without being detected.

5.2.3 Management issues

The management and control of illegal immigration into South Africa is viewed in the serious light especially because large concentration of illegal immigrants in the country has dire consequences for service delivery. As pointed out by Du Toit et al (2002), the ability to provide and deliver quality services to the communities depends on sound knowledge of the numbers of recipients of such services. Failure to acquire estimates of intended recipients of services would compromise the effort to meet constitutional obligations of improving the lives and well-being of South Africans.

The mixed responses about the extent of defiance shown by illegal immigrants towards the authorities stem from the failure of the South African government to enforce immigration laws. About fifty percent of the respondents cited frustration of following processes of applying for immigration status. Some illegal immigrants use money to bribe some officials into providing them with documentation. Those without money are subjected to unfair treatment and their applications for status ignored. To this end, the prevalence of corrupt and fraudulent activities in granting of documentation for immigration status disadvantaged the poor prospective immigrants. 4

Management of immigration control into the country has budgetary implications. Any budgetary allocations for immigration control should be accompanied by good value for money spent. Management accountability implies that the South African community should be given an assurance that the battle against illegal immigration is in fact won. This will help restore confidence in the government's ability to manage illegal immigration; and thus compel the citizens to refrain from illegally dealing with illegal immigrants.

Managing illegal immigration entails producing reports of some nature on the progress made to the satisfaction of the South African public that illegal immigration into the country is indeed under control. Lack of communication from the authorities assuring citizens that South Africa is not under invasion by illegal immigrants will be

viewed with suspicion. " The aim of the Department of Home Affairs is to efficiently determine and safeguard identity and status, and regulate migration to ensure security, promote development and fulfil its international obligations"(National Treasury 2010 1).

With regard to the responsibilities of the Home Affairs, all but two respondents agreed that the responsibility to manage, control and monitor illegal immigration into South Africa is the constitutional responsibility of Home Affairs. All other organs of state can only provide much needed support where possible. Interdepartmental coordination is seen as a constant feature that enriches the works of immigration control. "One of the objectives and functions of immigration control is to create a climate of cooperation with other organs of the state to encourage them to take responsibility in implementing this Act within the ambit of their respective powers and functions" (Immigration Act of 2002).

One concern raised was that although the Immigration Act calls on organs of state not to exceed their jurisdiction in immigration control, the feeling is that the police tend to apply a heavy handed approach when dealing with illegal immigrants. The implication is that there should be a way to ensure monitoring and evaluation of the conduct of the police. This unfortunate state of affairs has brought anxiety among many illegal immigrants who thought the police have exclusive powers in illegal immigration control. The role of the police and immigration officers is to enforce compliance to laws and policies dealing with immigration into South Africa. They do this by arresting those who break the law and ensuring that due processes are followed until illegal immigrants are deported. Any activities by the police and immigration officers beyond what they are prescribed to do should be condemned in the strongest possible terms as that serve to undermine the mandate of the Department of Home Affairs.

On the issue of the level of cooperation between various organs of state on illegal immigration control, fifty percent of the respondents believed there is good support among government institutions towards a common goal of addressing illicit immigration into the country. The other fifty percent of respondents felt that cooperation between organs of state in dealing with illegal immigration into South Africa was just acceptable but not up to the required level to effectively deal with this matter. It can be argued that police and immigration officers do manage to apprehend large numbers of illegal immigrants as supported by figures of 757 436 deportations for the period 2007/08; 2008/09 and 2009/10 respectively (National Treasury 2010).

However, many of those deportees resurface in South Africa within days of being deported much to the frustration of the Department of Home Affairs.

The level of cooperation between various state institutions in dealing with illegal immigration into the country is crucial because if ignored, the surging numbers of illegal immigrants in South Africa would create unresolved challenges. Citizens would also help in dealing with illegal immigration into the country without the public resorting to xenophobic violence; an action damaging to South Africa's international standing. National Treasury (2010) states that the Department of Home Affairs has a role to play to fulfil its civic function by acting as the custodian of citizenship and identity. It also has the duty to regulate immigration, enforce the Immigration Act (2002) and determine the status of asylum seekers and refugees. "These two functions are essential to the security of the state; enable access to rights and services; and support social and economic development" (National Treasury 2010: 2).

5.2.4 Policy challenges

Managing illegal immigration into South Africa is fraught with many challenges, most of which centre around implementation and monitoring. Given the policy direction provided by the Immigration Act of 2002, one would expect all the officials of the Department of Home affairs to work towards the objective of achieving the mandate of the Home Affairs according to clearly set guidelines. The emphasis is not on what should be done to implement policy, but how should policy implementation be carried out to achieve desired results.

The challenge posed by lack of policy implementation result from the view that whatever is done to deal with illegal immigration into the country, the problem continues. All the attempts to address this challenge in South Africa have taken longer than expected, and by now the problem should have been reduced, given the resources channelled in immigration services. Success in addressing the challenge posed by illegal immigration control requires a concerted effort by all those involved. Everyone involved in illegal immigration control should act with due regard to the laws of the land.

It should be established how illegal immigrants gain entry into South Africa other than at the official ports of entry or porous borders. All efforts need to be focused on ensuring that all loopholes manipulated by illegal immigrants are closed so the official ports of entry can become the sole points of entering South Africa. South Africa's borders may be porous due to some illicit activities suspected to be in operation

without being detected, deterred, and reported. There is reason to believe that illicit activities that allow illegal immigration into the country cannot go no unnoticed forever unless there is collusion between some corrupt officials and suspected human traffickers.

At the same time, extra measures need to be put in place to ensure that no one is allowed freedom to grant illegal immigrants free passage into the country. Policy on illegal immigration into South Africa must be applied to the core. If there are any policy gaps that make it difficult for implementation to be effected, then the gaps should be closed for work to be done. At this point in time it becomes difficult to believe that the current measures are effective to deal with the challenges of stamping out illegal immigration into the country.

Also, if the problem of addressing illegal immigration into South Africa lies with officials of the Department of Home Affairs, then what action is taken to address such insubordination? Officials cannot be allowed to be entrusted with responsibilities they may not carry out. Strong action must be taken against all those who are failing the state in delivering service excellence to the people of South Africa. There should be a way to deal with anyone who undermines the purpose of the Immigration Act of 2002.

The other point to consider is the presence of wide range of fake documentation used to grant illegal immigrants immigration status. According to Kollapen and others (1999), it is assumed that some illegal immigrants at Lindela Repatriation Facility are from time to time found to be in possession of fraudulent documentation granting them unauthorised entry into South Africa. Such false documentation points to the presence of faceless characters involved in undermining the state. The market for fraudulent documentation has been allowed to flourish to the harm of the South African state. Such a situation is a threat to the security of the state and it must be stopped at all cost.

In the same way, the issue of capacity in an attempt to implement immigration policy needs consideration. If there is lack of capacity; it goes without saying that it would be difficult to achieve success in dealing with illegal immigration into the country. Capacity is not just about the number of officials the Department of Home Affairs may acquire, but that people recruited should be trained and faithful servants of the state. Success in reducing illegal immigration into the country depends on the dedication, honesty and willingness among officials, without which the dream of South Africa free from corruption would not be achieved. Training of officials involved in implementing immigration policy should receive urgent attention.

On the procedure followed in dealing with apprehended illegal immigrants, it would appear that the matter is handled to the best ability of the officials concerned. Most respondents agreed that the procedure to deal with apprehended illegal immigrants is clear, but what is not known is whether all those supposed to be deported are deported? However, some detainees never get to be deported owing to acceptance of bribes by some officials. The viewpoint raised is that some illegal immigrants are never deported but are released along the way to being deported to their home countries.

On the issue of the role of various organs of state in dealing with illegal immigration into South Africa, every institution knows its area of jurisdiction. Every one of these institutions is delegated some powers and functions which if carried out properly would help relieve the challenge of this greatness. After all the Constitution of the country clearly stipulates the need for cooperative governance in working towards achieving working democracy that everyone aspires for.

The foregoing shows that South Africa has a huge challenge contending with illegal immigration. The key challenge is to formulate policy integrating interstate cooperation, with the focus on addressing mainly the push factors. The pull factors are in most cases accompanied by the need to acquire documentation through legal channels. As part of unravelling the truth behind the failure to achieve success in illegal immigration control, we reveal several complexities and difficulties. As explained in Section 2.5, theories of migration point out that migration is not necessarily a random phenomenon, but rather a well thought out process involving short and long term planning on the part of migrants.

It is important to highlight that illegal immigration is not an excuse to deny refugees and asylum seekers an opportunity to be offered refugee because of prevailing conditions in their home countries. The conditions under which refugees and asylum seekers should be treated and handled differs in many respects from the way illegal immigration should be addressed. The study also recognised that illegal immigration into any country is a worldwide phenomenon that requires that states learn good practices from other states in addressing the challenge posed by illegal immigrants. Mostly, illegal immigration result from failure of the migrant sending countries to cater for their own subjects.

5.3 Recommendations

To wrap up, the following are some suggested recommendations that can address many of the policy gaps highlighted in this research report. There is also the need to emphasise improved management of illegal immigration into South Africa. These recommendations are but a contribution to good governance and South Africa's commitment to honour obligations under international law as well as embracing human rights culture. Positive reaction to these recommendations might ensure speedy implementation.

1. The Department of Home Affairs should prepare and keep a database of all detained and deported illegal immigrants so those deported are identified when re-entering the country. This will help nullify claims there are large numbers of illegal immigrants, when in essence the same people re-enter the country and get arrested again.

2. The government should not only promote programmes in foreign countries to discourage illegal immigration into South Africa, but also give conditions to refugee producing countries to encourage them to adhere to measure in controlling their citizens from illegally immigrating.

3. Where possible, migrant sending countries should be assisted in containing their citizens from migrating illegally. This will be possible if the budget for immigration control allows.

4. An attempt should be made to deal with push factors in the migrant sending countries by cooperatively working with those countries to detect, deter and punish those migrating illegally.

5. All offenders who violate the immigration laws more than once should be subjected to more stiff penalties possible. There should be more severe punishment for illegal immigrants who continue to undermine immigration laws of indefinitely.

6. If the budget allows, there should be a new unit in the Department of Home Affairs to deal with monitoring of delivery by all officials, and where people undermine the mandate of the Department of Home Affairs, severe penalties should be applied.

7. Monitoring of organs of state dealing with illegal immigration control should be enhanced to close all gaps that allow corruption and fraudulent activities to flourish. These institutions should have more elaborate guidelines about their responsibilities. The unit should not be based in the Department of Home Affairs.

8. Border control responsibilities should be applied as strictly as possible and an effort should be made to detect areas where there are high rates of illegal crossing.

9. Processing applications for immigration status must be done speedily and applicants should know the results as soon as possible.

10. All measures must be taken to ensure that syndicates and any people involved in producing fake documentation are looked into, detected and severely punished. All fraudulent activities within the Department of Home Affairs must be exposed and the full might of the law applied to ensure the state's security considerations are not undermined.

11. When illegal immigrants are deported, an effort should be made to help them to recover their personal belongings, a factor likely to be responsible for them re-entering the country a few days after being deported.

12. Illegal immigrants should be dealt with according to the law and with full recognition of their human rights. Treating people with less respect and dignity cause feelings of hatred and hostility.

13. Any citizen who takes the law into their hands in dealing with illegal immigration into the South Africa should also be punished severely.

14. All the officials involved in arresting illegal immigrants should receive further training to enable them to deal with the application of the Immigration Act of 2002 with full understanding of its proclamations.

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APPENDICES

Appendix 1: Interview schedule with modifications
Appendix 2: Interview schedule without modifications

Appendix 1: Interview schedule with modifications

1. Are the generally claimed figures of illegal immigrants a true reflection of the challenge posed by illegal immigration into South Africa?

2. What are the prominent characteristics of illegal immigrants by age, sex and nationality?

3. Which countries' citizens represent the highest number of illegal immigrants in South Africa?

4. The second set of questions made up the second theme; namely theoretical perspective of illegal immigration. In essence, the respondents provided responses to highlight whether pull factors or push factors are dominant in people's decision to migrate to foreign countries. The questions asked were:

5. What pushes illegal immigrants to come to South Africa and defend their stay here at all costs?

6. What pushes or pulls illegal immigrants to the extent of defying legal enforcements?

7. What causes Gauteng province to be attractive to illegal immigrants?

8. Are the instances where deportees have re-entered South Africa more than once?

9. In the same way, the third set of questions tried to find out the measures that are in place to manage illegal immigration into the country and to find out if those measures are applied efficiently and effectively. The questions asked were:

10. What component of South Africa's budget is for illegal immigration control?

11. Are there instruments in place to deal with illegal immigration into South Africa?

12. Whose responsibility is it to monitor illegal immigration into South Africa?

13. What is the level of cooperation between various organs of state in attempting to stamp out illegal immigration into South Africa?

14. The fourth set of questions tried to find out the policy challenges experienced in illegal immigration control into South Africa. The questions asked were:

15. What could be the major loophole in allowing illegal immigration into South Africa?

16. What is the procedure to deal with apprehended illegal immigrants?

17. What is the role of each various organisations in dealing with illegal immigration into South Africa?

Appendix 2: Interview schedule without modifications

1. Are the generally claimed figures of illegal immigrants a true reflection of the challenge posed by illegal immigration into South Africa?

2. What pushes immigrants to come to South Africa and defend their stay here at all costs?

3. What are the prominent characteristics of illegal immigrants in terms of age, sex and nationality?

4. What pushes or pulls immigrants to the extent of defying legal enforcements?

5. What component of South Africa's budget is for illegal immigration control?

6. Are there instruments in place to deal with illegal immigration into South Africa?

7. What causes Gauteng province to be attractive to illegal immigrants?

8. Whose responsibility is it to monitor illegal immigration into South Africa?

9. Which countries' citizens represent the most number of illegal immigrants in South Africa?

10. What is the level of cooperation between various institutions in attempting to stamp out illegal immigration into South Africa?

11. What could be the major loophole in terms of allowing illegal immigrants into South Africa?

12. What is the procedure to deal with apprehended illegal immigrants?

13. Are there instances where repatriated illegal immigrants have been found to have entered South Africa more than once?

14. What is the role of your organisation in dealing with illegal immigration into South Africa?