



## SOUTH AFRICA: A long awaited policy on economic migrants



Photo: Taurai Maduna/IRIN

Zimbabwean migrants outside the Central Methodist Church in Johannesburg

JOHANNESBURG, 10 April 2009 (IRIN) - Almost a decade into the Zimbabwean crisis, South Africa's Department of Home Affairs is introducing a permit that could regularize the status of thousands of undocumented migrants and put an end to mass deportations as a first step to a long-awaited new policy on a thorny issue.

The department has met with representatives from civil society and international organizations such as the office of the UN High Commissioner for Refugees (UNHCR) to discuss implementing a new temporary residence permit. However, the need to secure additional funding, staff and information management systems means no formal timeline has been set.

The permit will grant thousands of Zimbabweans the right to live and work in South Africa, and access healthcare and education for an initial period of at least six months. The mass deportation of undocumented migrants may be halted.

South Africa has never formally addressed the influx of tens of thousands of Zimbabweans over its northern border, and standard immigration measures left many undocumented, so seeking asylum has often been the only way for them

to regularize their status.

Zimbabwe's economic collapse and political crisis is a decade old, but until 2004 many Zimbabweans were barred from applying for asylum. According to the Consortium for Refugees and Migrants in South Africa (CoRMSA), they form the bulk of applications, creating a backlog of almost 90,000 in 2007.

"Up to 80 percent of these applications are rejected on the basis that the applicants do not meet the requirements of the Refugee Act," Home Affairs spokesperson Siobhan McCarthy told IRIN.

"As it currently stands, the Immigration Act does not accommodate economic migrants. Given the economic crisis in Zimbabwe, it was agreed that the government cannot continue to send Zimbabweans who do not qualify for refugee status, or any other permit, back home."

### A promising first step

The idea of such a permit as a solution to the large number of asylum seekers is not new. Home Affairs Minister Nosiviwe Mapisa-Nqakula first mentioned it in 2007, and civil society and international organisations, including CoRMSA, UNHCR and the Forced Migration Studies programme at South Africa's University of the Witwatersrand have been advocating it for years.

Section 31 of the Immigration Act allows the minister to grant permanent residence to a category of foreigners for a specified period, under special circumstances. According to the Organisation for African Unity convention, similar provisions granting certain groups temporary refugee status have been a common response to large-scale migration on the continent.

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“We are extremely pleased,” said Sanda Kimbimbi, UNHCR's representative for Southern Africa. “It is acknowledging the fact that movement is taking place, and instead of using control measures, it is better to try to manage it. It is the beginning of the migration management of a large number of people coming into the country, and for good reason.”

There are widespread misperceptions in South Africa about foreigners' contribution to crime and unemployment, and such a policy change could be a political hot potato in an election year.

“We're a little bemused by the timing of it,” said Loren Landau, director of the Forced Migration Studies Programme, which has long advocated the permit. “In some ways seems like exactly the wrong time ... [but] my guess is that the minister wants some kind of legacy around this issue, realizing that they haven't dealt with it in the past.”

## with it in the past

The permits may usher in change that many think is long overdue. "There's not really been a specific policy on immigration from Zimbabwe, but I think there's been a realization that there are different needs among migrants," said CoRMSA spokesperson Duncan Breen.

"When you apply for asylum, you're technically were not supposed to go back to Zimbabwe, but I think people have realized that people need to go back to Zimbabwe, either with goods or money – remittances are largely what appear to be keeping the country afloat."

### "Arrest, detain, deport"

South Africa's approach has been largely one of "arrest, detain, deport", in which undocumented individuals were arrested by the police and detained in repatriation centres before being deported at state expense.

A paper published in 2008 by the Centre for Development and Enterprise (CDE) noted that the absence of an official response to Zimbabwean migration stemmed partly from a lack of data on the number of people entering the country, and partly from political sensitivities over South Africa's official stance on the crisis in Zimbabwe.

Former South African President Thabo Mbeki, chief mediator between Zimbabwe's fiercely opposed political parties, drew sharp criticism when he refused to admit there was a crisis in Zimbabwe, despite figures from the International Organisation for Migration showing that 17,000 Zimbabweans were being deported monthly by June 2007.

Local government has been left in the awkward situation of having to deal with the fallout from migration – from xenophobia to overcrowding at refuges like Johannesburg's [Central Methodist Church](#) – while waiting for national government to put an effective policy in place.

The authorities in Gauteng, South Africa's richest province, have had to set up temporary shelters in response to the situation at the church. Spokesman Daniel Ramarumo said it was a short-term solution to the specific problem of overcrowding at the church, and the province was looking at policy at national level to prevent the situation from arising again.

Some national departments, such as Health and Education, have formulated specific responses to the influx by providing antiretroviral treatment to all undocumented migrants, and employing Zimbabwean teachers to alleviate shortages in South African schools.

### Human rights and the right permit

NGOs said they hoped the permit would give undocumented Zimbabweans some protection from the human rights abuses they often faced. "[We've] outlined the problems of lack of documentation, and it starts at the border, where migrants face armed gangs of men," said Gerry Simpson, a refugee researcher with [Human Rights Watch](#), which called for the permits in their 2008 report.

"We're looking at reports of rape, killings, trafficking, abuse of women, but it continues. [The new permit is] a clear turning point in South Africa, which up until now has had a line that there is no problem in Zimbabwe."

CoRMSA's Breen said the new permit could actually help guarantee the human rights of both Zimbabweans and South Africans by protecting Zimbabweans from exploitation while ensuring that skills shortages in South Africa did not deny citizens access to health and education.

"It will have very tangible effects for migrants themselves, but also for South Africa, which will be able to better use the skills that many Zimbabweans can contribute," said Breen, who noted that South Africa's emphasis on deportation had taken Zimbabwean teachers out of classrooms and into repatriation centres, with a one-way ticket home.

According to a 2007 study by the University of South Africa, more than 60 percent of Zimbabweans in the country had matriculated from secondary school.

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