Illegal Migration by Zimbabweans Into South Africa: Is Lack of Documentation Becoming A New Humanitarian Challenge

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Abstract
Immigration is a source of concern to politicians and the public alike the world over. This phenomenon often characterized by labour flight from relatively poor and politically unstable economies to regional economic hubs, is closely tied to illegal immigration activities. Thus the purpose of this research was to investigate factors influencing Zimbabweans to migrate illegally to South Africa or even among those with valid passports. The objectives guiding the research included the following: identifying the causes of illegal migration by Zimbabweans into South Africa; means used by migrants to cross the borders, and examining the contribution of immigration policies in the two countries’ documentation challenges in creating humanitarian risks. Qualitative methodology which included document study, informal in-depth interviews with illegal migrants, immigration officials, International Organisation for Migration (IOM) officials as well as focus group discussions with asylum seekers were employed. The findings show that lack of proper travel documents due to backlogs and costs associated with obtaining such documents forced many of the migrants into illegal practices such as circumventing official crossing points or falling prey to human traffickers. Besides, huge economic disparities between the two Southern African states are known causes of illegal movements within the region, with incessant political strife, health issues, poverty and corruption characterising the source area. Apprehension and deportation of illegal migrants has become the most viable instrument of choice pursued by the South African government. Interestingly, since 2010 South Africa has chosen to document illegal migrants upon realization that migrants were also significant contributors to that country’s GDP. Thus this paper supports and recommends profiling and easing the issuing of proper documents to citizens of the two countries as well as harmonising immigration policies under the auspices of the Southern Africa Development Community (SADC). However, in conducting the research, a range of local factors worked against the researchers. Immigration officials were not at liberty to divulge information as they are bound by government secrets act, and thus readers should take this into consideration when assessing the research findings. Furthermore since qualitative methodology was used, it means the research findings are subjective in nature and hence cannot be replicated elsewhere in the world or in another period.

Keywords: illegal migration, Zimbabwe, immigration, documentation, risk, South Africa, asylum seekers,

INTRODUCTION
Migration is not a new phenomenon, but has been in existence since the days of early hunting and gathering societies. Even at present nomadic herdsmen in many parts of the world still have routine circulations (Carballo and Nerukar, 2001). On another dimension, the United States of America (USA), Canada, and Australia were built on migration (Carballo and Nerukar, 2001), and it appears as if the same process is replicating itself in Southern Africa.

Southern Africa has a long history of intra-regional migration and family reunion dating back to the mid nineteenth century (Crush and Ramachandran, 2010; Tevera, 2010). In fact, cross-border migration for employment within SADC was prevalent long before the drawing of colonial boundaries, dating back at least 150 years (Crush and Ramachandran, 2010; Tevera, 2010). The countries of Southern Africa have been sending and receiving migrants since the mid-nineteenth century when labour migrants went to South Africa to work on the Kimberley diamond mines. The discovery of gold on the Witwatersrand changed the entire pattern of labour migration in the sub-continent. Migration was probably the single most important factor tying together all of the various colonies and countries of the sub-continent into a single regional labour market during the twentieth century. Mining in South Africa was not the only sector that employed labour migrants, Commercial farms, factories, domestic service, transportation and
construction also hired migrants because locals refused to work in these sectors. According to surveys conducted by the Southern African Migration Project (SAMP) many adults have parents or grandparents who have worked in South Africa in the past and about a quarter of the people in Zimbabwe have parents who had worked in South Africa (Crush et al., 2005:2) This information simply confirms that labour migration for employment in South Africa is nothing new. Also the end of apartheid, a system designed to control movement and exclude blacks and outsiders produced new opportunities for internal and cross-border mobility and new incentives for migration. These factors together with the ensuing integration of South Africa with the SADC region brought a major increase in legal and undocumented cross-border migration and new forms of mobility and also the region’s reconnection with the global economy has opened it up to forms of migration commonly associated with globalization. Southern Africa is now a region on the move. Mawadza (2008) specifically notes that migration of Zimbabweans to South Africa started during the colonial period when the Witwatersrand Native labour Association (WENELA) recruited migrant labour from the whole of Southern Africa through government agreements. This started a culture of migration where South Africa was regarded as part of greener pastures. Thus the Zimbabwean economy was inextricably linked to that of South Africa as a source of cheap labour for the mining sector.

Migration nurtures economic development, encourages interdependence between countries and regions, and also provides important links for the exchange of resources between countries (Newland and Patrick, 2004; Adepoju, 2006; United Nations Children’s Fund (UNICEF), 2009). Since the need for the movement of human resources is now well established, it is unlikely that the trend will diminish in the foreseeable future. More importantly, the possibility of migrating is becoming an increasingly key part of how people view the world they live in. However in Southern Africa, although illegal migration is now a concern, it is also true that migrants bear the brunt of multiple socio-economic problems bedevilling developing countries. When people migrate illegally to other countries, they become vulnerable to all forms of abuse and exploitation (Campbell 2006; Crush and Ramachandran, 2010; Tevera, 2010; Kriger, 2010; Hungwe, 2013.).

Carballo and Nerukar (2001) and Bhorat et al., (2002) point out that migration, both voluntary and forced, is increasing the world over. People are now moving faster and further than any other time in history. This is happening at a time when many countries are ill prepared to deal with this changing demographic trend and when policies and attitudes to population movement and immigration are hardening. Illegal migrants cross international boundaries without the proper travel documents (passports) and use undesignated crossing points although at times they even cross illegally using the official border entrance. As noted by the UNICEF report of 2006, migration is a multi-dimensional issue that presents both opportunities and challenges (UNICEF, 2006; Landau, 2007; Hungwe, 2013).

RESEARCH METHODOLOGY
This was an exploratory research and qualitative methodology was employed since information on illegal migration is not documented, official and hence no reliable statistics are available. Illegal migration as a process is characterised by pre–meditated thoughts about the consequences of such an action thus identifying those involved is difficult (Babbie and Mouton, 2004; Chereni, 2013). However, the researchers made use of vernacular languages (ChiShona and IsiNdebele) to identify with illegal immigrants to enable them share experiences. Chereni (2013) notes story telling as a data collection method becomes effective when dealing with issues such illegal migration. For triangulation purposes document analysis from various organisations such as Immigration Department, Home Affairs, Social welfare and International Organisation for Migration (IOM) was also employed together with focus group discussions. Informal in-depth interviews were considered to be the most appropriate because the subject matter is sensitive and respondents were not willing to openly discuss their experiences. Since illegal migrants are difficult to identify and clandestine because of fear of arrest, the snowball sampling technique was used at both the Zimbabwean and South African sides of the Beitbridge border post and along the Limpopo river. This technique helped the researchers unearth more respondents.

Conceptualization of Migration Typologies and Causal Factors
Immigration is often characterised by people who leave their homes in search of greener pastures in another country legally (Bloch, 2008; Kiwanuka and Monson, 2009; International Organisation for Migration (IOM) Report, 2009, Tevera, 2010). However, “illegal migration” can be defined as migration that occurs outside the regulatory norms of the origin, transit, or destination country (IOM Report, 2009). UNICEF Report (2006) distinguishes between two groups of illegal migrants: those who arrive in a clandestine fashion in a foreign country and those who arrive legally and then overstay the period for which their visa or permit is valid. Those who arrive in a clandestine fashion in a foreign country include migrants who are generally perceived to have crossed a country’s border without required documents. The illegal means of crossing the borders
include using the human smugglers (Omalayishkas) such as cross-border truck and bus drivers, middle men and conman (Maguma-guma) who work in cahoots with corrupt police and immigration officers on both sides of the border (IOM Report, 2009). The human traffickers at the border post perpetuate the mal-practice which has become their livelihood taking advantage of high unemployment levels in countries of origin.

Those that overstay the period for which their visa or permit is valid include students, previously employed persons whose work and residence permits have expired, tourists, refugees and visiting family members (Campbell 2006). It is widely acknowledged that this second group constitutes the majority of illegal immigrants in South Africa. In the final analysis, migrants compete for jobs available for the lower class of the host country’s population creating another problem; that is xenophobia.

It is interesting to note that the SADC region does have an immigration protocol that requires SADC citizens have access to proper travel documents enabling free movement of people within the region (Mawadza 2008). This can only be realised through harmonisation of policies of participating states. The same author also notes making use of integrated information systems can facilitate free movement of persons across borders. However, some SADC member states are reluctant to implement the protocol in fear of being inundated with economic refuges. Another challenge is that in some countries passports can take years to be issued and the countries’ human resource capacities to handle migration effectively are seriously challenged (Bloch, 2008; Kiwanuka and Monson, 2009). In addition to the reasons already noted, lack of capacity for effective border control contributes to increased illegal migration.

Understanding the patterns of migration is important in order to assess the extent of illegal migration by Zimbabweans into South Africa. The most common are human smuggling and “border jumping” (Bloch, 2008; Kiwanuka and Monson, 2009; IOM, 2009). The IOM Report of 2009 posit that network connections between migrants in a destination area and aspiring migrants in an area of origin can facilitate migration. According to Gelderblom and Adams (2006: 227) migrant networks are “sets of interpersonal ties that connect migrants, former migrants, and non-migrants in origin and destination areas through ties of kinship, friendship, and shared community origin.” Migration networks are therefore social relationships that connect at least two areas, or possibly more. This characteristic is central to their functions of keeping the migrant involved in the life of the former home village, helping to ease the migrant’s adaptation to their new place of residence, and providing assistance to the aspiring migrant in making the move(Gelderblom and Adams, 2006). A migrant network starts to emerge when the first migrant from a community of origin leaves home and establishes him/herself in a particular destination area. This is, however, not the first time social networks become active in the migration process. Before the first migrant leaves he or she often has to draw on the support of friends and family at home to finance the move, and this starts the circle of obligation that underpins the migrant network. Successful migrants feel obliged to help their family members back home to migrate in turn because they depended on these family members when they made their first move (Gelderblom and Adams 2006).

Illegal migration is partly a result of push factors include poverty, hunger, drought, death of parents or a caregiver, acute economic pressure exerted on families, unstable and abusive home environments. Pull factors include better health facilities especially in the advent of chronic diseases like HIV/AIDS and availability of jobs (even menial work in the construction industry, farms, and working as house maids). South Africa is the industrial hub in Africa and migrants expect a higher standard of living compared to their country of origin, which in this case is Zimbabwe. Crush and Williams, (2005); and Crush et al. (2005) have acknowledged that when an illegal migrant is exposed to these push and pull factors they are forced to make a decision to migrate and thereby kick starting the migration process.

**RESEARCH FINDINGS AND DISCUSSION**

The various data collection methods yielded various perceptions, feelings and experiences among illegal immigrants and these are discussed in this section. Firstly, it emerged that illegal migrants face a different immigration cycle characterised by an initial illegal entry into the destination country, then apprehension, detention, and lastly deportation back to country of origin. This process sees these migrants through institutions like Illegal Migrants Reception Centres at Zimbabwe’s border posts operated by IOM. The irony of the situation is that it is not true that these people lack documentation. In reality the bigger portion of these immigrants being deported has passports, but has intentionally not declared them because they overstayed in the foreign country in an effort to beat the 90 days visitors’ visa that restricts them from being gainfully employed. Informal interviews also yielded another perception or model that views the possession of travelling documents as a luxury because according to the migrants “people can always jump the border into South Africa to find means of survival and remit money back home in any given period of time”.

Secondly, HIV/AIDS has also impacted considerably on migration. Not only is the rapid diffusion of the epidemic inexplicable without references to human
mobility but new forms of migration are emerging in response. New and seemingly effective HIV/AIDS drugs especially anti retro viral drugs are available in South Africa as compared to Zimbabwe. Though retroviral drugs are also free in Zimbabwe, at times their availability is haphazard and their distribution erratic. Subjects were generally shy to discuss their HIV/AIDS status, only a few stated during the informal discussions that the primary reason was to get medication and prolong their positive living in South Africa where food was also in abundance to complement the retroviral therapy. In short health issues are also a motivation for illegal migration among those with or without documents. The implication is that the South African health system could be strained or overstretched by catering for undocumented residents.

The third finding that came out strongly from in depth interviews and focus group discussions in the holding centres concerns Zimbabwe’s geographical proximity to South Africa, Botswana, Zambia, Mozambique and Namibia. The view was that a number of tribes that live along areas bordering any two SADC countries have been coexisting from time immemorial but was disrupted by the partition of Africa in 1884. These tribes always were either divided by new borders, and or had a history of sharing and marrying among themselves. The issue of borders and documentation between these neighbouring tribes is invisible and colonial to them and “jumping the border” is not something that is considered to be “illegal” to them. Examples can be drawn from the Kalanga speaking between Botswana and Zimbabwe, the Tonga Speaking between Zimbabwe and Zambia, the Venda, Sotho and Ndebele speaking between Zimbabwe and South Africa. Possession of travelling documents is viewed as an inconvenience because of the proximity of these countries to each other thereby creating a favourable cultural situation for cross-border exchanges and interaction (EIU: 2008).

Zimbabwe Citizenship Laws are also another contributing factor to illegal migration though in an indirect way. Many children born to foreign parents in Zimbabwe do not automatically qualify for citizenship and hence a passport. Until 2014 Zimbabwean constitution did not allow for dual citizenship. Indeed focus group discussions held at the Department of Home Affairs Centre in Johannesburg where undocumented Zimbabweans were seeking asylum confirmed that most of them were born to parents who migrated from Malawi and Zambia and settled in Zimbabwe. Though they are Zimbabweans by birth, they travelled illegally to South Africa because they were still awaiting for confirmation of their citizenship status before being eligible to apply for a passport. Such citizens were given the special treatment under the Act which enables them to be recognised as Zimbabweans after following the procedure where they complete the application form on production of national documents. This procedure has become a nightmare to this class of citizens because of the time taken to process their citizenship status. They are only able to apply for travelling documents once they have been accepted as citizens. The process takes between 6 months to about 2 years depending on individual circumstances. It is during this period that a lot of such people opt to travel without documents or “jump the border” since most of them would want to attend to urgent personal issues ranging from seeking work, family, business, and education.

The other factors favouring illegal migration as a method of choice include the availability of regular migration channels and foreign labour in neighbouring countries. The supply of foreign workers through established channels has been seen failing to match the demand, or policies not keeping up with labour market issues in countries of destination. Illegal migration dynamics come into play to fill such gaps. As noted in Crush (2006), few Southern African countries have adopted policies that give labour migration a significant role in national labour market management. Most countries of the SADC region tend to see immigration more as a threat than an opportunity and migrants are viewed as carriers of disease, takers of jobs (xenophobia) and perpetrators of crime (Crush, 2006). Policy has tended to focus, as a result, on control and exclusion. Perhaps unfortunately, this focus extends to legal immigration. Few, if any, of the SADC States have proactive immigration policies.

South African migration policies favour the entry and stay of skilled rather than low-skilled workers that include farm labourers, construction among others. Such policies exclude the majority of migrants (Kiwanuka and Monson, 2009:53). In the meantime, work opportunities for lower-wage workers exist in the national labour markets; this is an important incentive for illegal migrants. Examples can be drawn from the lack of farm labourers in the Limpopo and Cape provinces which supply most of South Africa’s farm produce.

Protocol issues are also another major factor influencing illegal migration: namely, the time it takes for the migration procedure to be completed. Bureaucratic difficulties in the process, as well as excessive conditions and requirements, are incentives
for illegal migration. Mawadza (2008) highlighted that the delay in implementation of the SADC Protocol on the facilitation of movement of persons has lagged behind. Part of the explanation for the delay is some countries’ trepidation that they will be overwhelmed by applications from refugees and that more refugees will lead to an increase in criminal activity. However, it could equally be argued that creating the conditions for free movement may alleviate some of the problems with illegal migration that are currently being experienced.

Bureaucratic difficulties such as excessive conditions and requirements for entry into South Africa include the production of affidavits for children under the age of seventeen (17) signed by either or both parents in the case of those accompanied by the guardian before the child’s passport get stamped. Scores of Zimbabwean women with minor children have been turned away as they could not be allowed entry without the required document and are left stranded at the border as South African immigration officials demand these affidavits. Usually, minor children travel to South Africa when schools close to join their parents who are based in that country. They are also left behind by the buses they will be travelling with when they are refused entry. The Zimbabwean immigration officials interviewed by the researchers professed ignorance about this new development. From the informal discussions held where the researchers interviewed affected parents who were refused entry because they had no accompanying affidavit from one of the parent. A Zimbabwean immigration official pointed out that they tried to engage their South African counterparts on the issue but without success. Another disappointed parent interviewed had this to say:

“South African immigration officials are doing an injustice to us by refusing us entry simply because of an affidavit for child below 17 years. I believe a passport is all that is needed for one to cross the border.”

This confusing development has now fuelled illegal migration where the undocumented people are smuggled by omalayisha into South Africa or through undesignated entry points along the crocodile infested Limpopo River. These Human Smugglers (omalayisha) are charging between R300 and R1500 depending on whether the child has a passport or not and some of the money goes towards bribing the immigration officials, police and security guards manning both entry and exit points of the border.

IMPLICATIONS OF ILLEGAL MIGRATION

Illegal migration has profound implications on both the migrants and the communities involved. Stress and trauma are some of them. The most common trauma is culture shock in foreign countries that includes language, expectations, social structures, values and norms. The process involves uprooting, being separated from family and traditional values, and being placed in new social and cultural situations where job and legal security may be minimal. For many migrants, social integration is rarely easy and for some impossible. It also emerged from the study that most illegal migrants are typically poor people moving from poor economic environments. They carry with them health profiles that are a result of poverty.

Resistance to illegal migrants’ presence even when their work skills are needed often places migrants on the periphery of society. Most illegal migrants stay in slums (Mkhukhu), areas that lack sanitation and are a haven for crime. Resistance to their participation in society results from language problems and culturally-defined behaviour that often reinforce stereotypes and prejudices. Not only are illegal migrants themselves affected, but, in many situations, their children are also discriminated against. Many fail to find the migration experience satisfactory, remain unhappy, and resent their lives in the new country and occasionally, engage in socially inappropriate and dysfunctional behaviours (Segal, 2002). Some children of illegal migrants may be at high risk for drug abuse because they use drugs to demonstrate their rejection of and exclusion from so-called mainstream society (Segal, 2002).

Where individuals fail to show evidence of being in the country legally, swift apprehensive measures are taken. The measures include immediate arrest, imprisonment and eventual deportation. In some instances, unscrupulous employers prefer to hire illegal migrants because they provide cheap labour and therefore constitute a convenient source for profit maximization. They also minimize risk of conflict with labour unions, especially where illegal employees forfeit their rights to medical aid and other insurance benefits. Employment of illegal migrants is common practice in South Africa. Many are employed as domestic, farm and construction workers. Police in South Africa make unannounced visits to employing agencies where there is suspicion of employment of illegal migrants.

CONCLUSION

The paper recommends more regularisation of migrants and the opening of more migration channels for people who, owing to intolerable economic hardships in Zimbabwe, have come to South Africa. The situation in economic Zimbabwe has stabilised but still, illegal migration continues as people try to meet their basic needs and provide for the welfare of their dependants. In the SADC region the primary reason for illegal border crossings is the marked variation between the economies of the countries. The nature of illegal migration is overshadowed by
the realization that it involves apprehensive measures which may constitute human rights violations. South Africa has begun responding to international pressure to improve the methods of apprehension.

The paper recommends that the SADC Protocol should be amended to also prescribe the minimum standards by which migrants should be treated by member states irrespective of whether they entered those countries legally or illegally. It is also recommended that future initiatives aimed at reducing vulnerability of migrants need to take into account the entire migration process. This must include push factors such as poverty, hunger, family obligations, and family breakdown, pull factors such as economic prospects, employment opportunities, and family reunification, threats, and opportunistic criminals met en route. Programs that provide healthy, safe and supportive activities for illegal migrants need to be rolled out on a large scale. This could decrease many of the vulnerabilities identified in this paper, and help ensure that migration works to the benefit of both the receiving and sending countries. As long as migration is viewed as a threat not an opportunity, for sending and receiving states, the legal drawbridge will remain up. Without legal means to sell their labour or pursue economic livelihood strategies across borders, migrants will turn to clandestine methods. Already, the predictable result has been a massive “trade” in forged documentation, police corruption as migrants buy the right to stay, an increase in trafficking and the disintegration of sound and professional management practices (Campbell 2006). There is also need for adoption of a common position on immigration practices between the South African and Zimbabwean officials at all points of entry to avoid unannounced or unforeseen requirements as in the case of affidavits needed for children under the age of 17 in addition to their valid passports.

REFERENCES


