# CENTRE FOR DEVELOPMENT AND ENTERPRISE
Informing South African Policy

# SKILLS, GROWTH AND BORDERS

## Managing migration in South Africa's national interest

CDE background resource document

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November 2010

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The history of human progress is a story of migration. The lesson of this history is that movement towards areas of increased opportunity invariably benefits migrants, their countries of origin, and their destinations. If carefully managed, migration is a resource of immense potential. South Africa should start managing it with this frame of mind.

# Introduction

SOUTH AFRICA needs skills if its economy is to grow. With more skills, we could attract more investment, make better use of technology, build the physical infrastructure needed to accelerate economic growth, and create employment for the unemployed and under-employed.

However, our skills production system is grossly inefficient: our children fare badly in almost every international test of literacy and numeracy, the development of technical skills through tertiary institutions and artisan training has all but ground to a halt, and our universities produce few world-class scholars. To make matters worse, skilled people have been leaving the country at an alarming rate.

Given the scale and depth of the challenges, many things must be done to raise the skills profile of our workforce: our education system must be improved, our skills production system must be deregulated and recapitalised, and our universities need proper funding. The list is daunting. It is unified, however, by a single depressing fact – none of the potential solutions to South Africa's skills deficit will generate large quantities of skilled workers in the short term. Schools take a long time to improve, and even when they have been improved they take a long time to produce well-taught learners. The production of technical skills depends, in the first instance, on the presence of people with the necessary subject knowledge as well as the desire and ability to impart it to others. Universities are large and sluggish bureaucracies which take years to reform.

The only way of accessing large numbers of skilled people relatively quickly is migration. While the global skills market is luring away many skilled South Africans, it can also be used to recruit skilled people from elsewhere. However, South Africa's migration regime has consistently failed to achieve this, even as it has created various other difficulties for policy-makers to manage.

## A fresh approach to immigration policy

Since 1994, when South Africa was readmitted to the world community, the pressures and opportunities that drive cross-border migration have intensified and multiplied. It is widely recognised – inside government as well as outside – that South Africa's responses to these pressures have been poorly conceived and badly implemented. It has failed to attract skilled people in a global labour market that is hungry for skills. It has also failed to cope with the influx of irregular migrants looking for jobs, as well as the associated influx of asylum-seekers fleeing political repression and/or turmoil in Africa and elsewhere.

One reason for this failure applies everywhere: democratic governments often struggle to balance the skills needs of their economies, their human rights obligations, and the suspicions and fears of their own populations in respect of migration. However, South Africa had made an already challenging task more difficult by introducing flawed policies and legislation based on inaccurate information and false perceptions. Moreover, the system meant to deliver these policies has been allowed to lapse into inefficiency and corruption.[1]

These conclusions are not controversial. In November 2009, the then director-general of the Department of Home Affairs (DHA), Mavuso Msimang, told parliament that his

department would conduct a comprehensive review of the system for attracting skilled immigrants, and seek to eliminate opportunities for fraud and corruption.[1] The current Minster of Home Affairs, Nkosazana Dlamini-Zuma, and her deputy, Malusi Gigaba, have begun to argue that, instead of a national threat, immigration presents South Africa with a positive opportunity to acquire the skills its economy needs (see box, this page).

## GOVERNMENT ON IMMIGRATION POLICY, PRESENT …

'In a globalised world we cannot grow the economy without securing scarce skills available internationally. To this end, we intend to adopt a deliberate and structured approach, and will accordingly be seeking to streamline some of our regulations.'

*Nkosazana Dlamini-Zuma, Minister of Home Affairs, June 2009[2]*

'The immigration of highly skilled individuals can boost employment directly – because highly skilled and less-skilled workers complement one another – and indirectly by increasing economic growth. South Africa's immigration policy recognises the problem of scarce skills, but implementation has been cumbersome. Job creation would benefit from improved implementation of existing policies to attract skilled labour.'

*National Treasury, Budget Review, 2010[3]*

'The issue of international migration has prompted very interesting debates everywhere in the world, which, to a large degree, are unfortunately littered with many misconceptions. These include, but are not limited to, that immigrants are responsible for high crime rates; that they rob the nationals of their rightful socio-economic dues; and that immigration can be stopped or even reversed.'

*Malusi Gigaba, Deputy Minister of Home Affairs, September 2009[4]*

' … managing migration effectively … is a public policy challenge which requires a paradigm shift away from viewing migration as a nuisance to be combated, but as a positive process that can lead to the development of the national and regional economy, the improvement of national and regional security, the deepening of our human and African solidarity and enhancement of our diversity.'

*Deputy Minister Gigaba, September 2009[5]*

'… there are two types of people who seek assistance at the refugee centre. A small number of them are genuine refugees but the others are what we would refer to as economic migrants, people who have come to look for opportunities, work, and business. The challenge is that there is no law that separates the two…. We will not be able to change the system if we do not separate the two – those coming to South Africa as genuine refugees and those looking for economic opportunities… it will have to be a discussion with government as a whole and this may even require legislation.'

*Minister Dlamini-Zuma, June 2009[6]*

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## The immigration policy legacy

These intimations of a new approach to immigration policy are very welcome. However, the challenges facing policy-makers should not be underestimated. Among other things, we have been here before (see box, next page). It is now nearly a decade since former president Thabo Mbeki called for the 'urgent' review of skilled immigration procedures.

It is also legitimate to ask whether the government is genuinely committed to policy reform and innovation, or merely to 'streamlining cumbersome implementation', as the statements by Dlamini-Zuma and the National Treasury seem to imply. When Msimang introduced the 'comprehensive review' referred to earlier, he went no further than to say that the system of drawing up lists of scarce skills which received priority treatment in terms of work permits would not change, but should be improved.[7] The analysis of the scarce skills processes in this report strongly suggests that the review will not go nearly far enough to acquire the skills South Africa needs.

We have also been here before with the Department of Home Affairs (DHA). The current attempt to turn this unhappy department around is the third such effort – the first two having been abandoned without achieving sustained improvements in efficiency and integrity.

By contrast, this new approach must be carried through into concrete policy-making if South Africa is to position itself strategically in the global skills market, take advantage of the energy, enterprise and experience of immigrant skills, and deliver on its international obligations.

The potential dividends are huge – notably, the prospect of achieving the higher levels of economic growth required to make inroads into unemployment, and reduce the poverty and inequality resulting from this lack of jobs. In his budget speech in February this year, the Minister of Finance, Pravin Gordhan, declared: 'We cannot do the same old things and expect different results.' A good place to start would be to cast off the inhibitions and prejudices that have prevented us from taking advantage of the potential of skilled immigrants to stimulate economic growth.

## About this report

CDE has conducted research on migration policy since the mid-1990s, and contributed to the public processes leading up to the Immigration Act of 2002 and its amendment three years later. This report is based on published and unpublished research conducted since 2005 by CDE staff and associated academics and consultants. It is also based on policy workshops convened by CDE, and policy dialogues with government and other researchers (see Appendix I). It synthesises CDE's research on this subject, which is driven by a deep concern about our skills deficit and its implications.

The report makes a case for reducing South Africa's skills shortages by attracting large numbers of skilled immigrants. However, it also argues that importing skills cannot be separated from other migration issues, such as those that arise from refugee and asylum-seeking obligations. These aspects are interdependent, because South African citizens will not easily accept the need to import skilled people if they do not have confidence in the government's ability to manage the flows of asylum-seekers and economic migrants across South Africa's borders. The key questions of how to manage these flows and secure such confidence will be addressed in the pages that follow.

**… AND GOVERNMENT ON IMMIGRATION POLICY, PAST**

'… Much more needs to be done to improve our skills base. … Immigration laws and procedures will be reviewed urgently to enable us to attract skills into our country.'
*President Thabo Mbeki, February 2001*[8]

'… Within the next three months, the Cabinet will finalise its work on the Immigration Regulations, among other things, to ensure that we access such scarce skills from the rest of the world as may be required for our accelerated development.'
*President Mbeki, May 2004*[9]

' … To increase the numbers of skilled workers, we have met the target set by the Growth and Development Summit, and trained more than 80 000 learners. We have also released the draft immigration regulations for public comment.'
*President Mbeki, February 2005*[10]

'It is not correct to assume that every job occupied by a non-South African means one less job for a South African. We need managed immigration that can contribute to stimulation of economic growth, development and create jobs for South Africans.'
*Mpho Scott, MP, Chair of Home Affairs Portfolio Committee, May 2002*[11]

'One of the key hurdles crippling service delivery in the public service is the shortage of appropriate skills. … Where skills are not available, South Africa may recruit from other countries it has bilateral agreements with – for instance India, Cuba and Iran.'
*Geraldine Fraser-Moleketi, Minister of Public Service and Administration, May 2004*[12]

'The Department of Foreign Affairs has an important contribution to make in sourcing and attracting skills from the international community … skills are required in infrastructural development in government, private sector and state owned enterprises, the expanded public works programme and public services and social services delivery.'
*Deputy President Phumzile Mlambo-Ngcuka, March 2006*[13]

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# The case for skilled immigrants

## Skilled immigration and economic growth

It is common cause that South Africa has a skills shortage which is hampering economic growth. Immigrants can spur economic growth in two ways: by filling the skilled jobs which firms need in order to expand; and by providing the entrepreneurial skills and drive needed to start the new small and medium enterprises that have the greatest potential to create new jobs.

These potential benefits can be illustrated with two case studies of circumstances in which skilled immigration helped to stimulate growth and innovation. The first is the large-scale emigration of Russians to Israel that followed the policy changes implemented by Mikhail Gorbachev in the USSR in the late 1980s. The second is the contribution of foreign-born people to science, technology, innovation and entrepreneurship in the United States. In both cases, the societies to which these migrants moved were already relatively high-skilled. Because the migrants were even more skilled, however, they injected more innovation and entrepreneurship into crucial sectors of the economy.

## Why skilled migrants are so desirable

In the 1980s and 1990s, Israel absorbed nearly a million immigrants from Russia, thus helping to increase its population from 4,4 million in 1987 to 6,2 million in 1999. Many were skilled professionals. Their arrival, combined with other reforms, transformed the Israeli economy, which now leads the world in numerous sectors, including information technology, pharmaceuticals and energy. One authority notes that:

> A 2008 survey of the world's venture capitalists by Deloitte & Touche showed that in six key fields – telecomms, microchips, software, biopharmaceuticals, medical devices, and clean energy – Israel ranked second only to the United States in technological innovation. Germany, ten times larger, roughly tied Israel. In 2008, Israel produced 483 venture-backed companies with just over $2 billion invested; Germany produces approximately 100 venture-backed companies annually. The rankings registered absolute performance, but adjusted for its population, Israel comes in far ahead of all other countries, including the United States.[14]

In the United States, the case of Silicon Valley illustrates the contribution of immigrants. By 1990, more than a third of the engineers and other IT professionals driving the global information revolution were born outside the United States, while companies founded or co-founded by immigrants include Intel, Sun Microsystems, Yahoo and Google.[15]

An American scientific journal[16] recently pointed out that foreigners living in the United States were responsible for more than 30 per cent of biotechnology inventions; had generated a quarter of all global patent applications originating in the United States in 2006; founded more than a quarter of American companies; and received 33 per cent of all doctorates in the United States in 2008, including 48 per cent in the physical sciences, and 60 per cent in engineering.

Similarly, Ricardo Haussmann of the Kennedy School of Government, who chaired the group of mostly Harvard-based economists that advised the South African National Treasury on a growth strategy, has noted that 55 per cent of all working people with doctorates in the United States were born elsewhere. 'Imagine the United States without them,' he added.[17]

Arguably, however, the most compelling proof of the importance of skilled immigrants is the efforts made by the world's most developed countries to attract them. From about the late 1990s the global skills market became increasingly competitive as several of the world's most developed economies – facing problems of flagging growth and ageing populations – stepped up efforts to attract skilled immigrants. The Washington-based Migration Policy Institute named the growing competition for skilled workers and foreign students as one of the top ten migration issues of 2005, and concluded that 'the

United States can no longer assume it will, by default, attract the world's best and brightest workers and students as it did for most of the 20th century'. [18]

Germany, the United Kingdom, France, the Netherlands, Canada, and Australia have all taken steps to attract more highly skilled workers:

- In June 2006 France created a 'skills and talent permit' for foreigners with qualifications judged to be important for the French economy.[19]
- Three months earlier, the United Kingdom introduced a points-based immigration system designed to make it easier for highly skilled young workers to enter the country.[20]
- In November 2005 the United States increased its number of visas for highly skilled people from 65 000 to 95 000 a year.
- In 2005/6, 130 000–140 000 newcomers entered Australia, double the numbers of the mid-1990s.[21]
- The European Union has adopted a Blue Card for skilled immigrants,[22] modelled on the Green Card offered in the United States.[23]

The skills market also extends to the Middle East, particularly the oil states of the Gulf, which have realised that the best way of creating jobs for their relatively low-skilled populations is to import the skilled people needed to take advantage of the region's natural resources.

According to the Migration Policy Institute, a key aspect of the new generation of skilled immigration policies is the competition for foreign students, who have been called 'designer immigrants'.[24] In this 'nascent international education market', states compete for 'high potentials' who are admitted to the receiving country's universities and encouraged to remain there after graduation.[25] These immigrants are not only highly qualified, but have a good grasp of the language and local working practices, and have been educated in syllabi attuned to local economic needs.

Traditionally, the United States and United Kingdom have dominated the competition for foreign students, but are now being rivalled by Australia, which has made it easier for 'designer immigrants' to move from educational institutions to the job market. The quality of Australian higher education has made this an attractive option, especially for talented Indian and Chinese students; Australia has six universities in the world top 100, and 17 in the world top 200. Developing countries such as Malaysia are also tapping this market.[26]

## Why South Africa needs skilled immigrants

South Africa needs skilled immigrants for three interrelated reasons: it suffers from a severe skills shortage that has built up steadily over many years; it is constantly losing skilled people to the global market; and its education and training system is dysfunctional. This means that it starts from a very low base, suffers constant attrition, and cannot quickly make up the backlog, or compensate for the ongoing loss.

South Africa's skills shortages have been acknowledged by government and business alike. ASGISA and JIPSA have been the main institutional expressions of concern about the lack of skills, labelled a 'binding constraint' on growth by ASGISA and a 'potentially fatal constraint' by former deputy president Phumzile Mlambo-Ngcuka. As will be shown later, the government's National Scarce Skills List and Work Permit Quota List are

flawed. However, as Table 1 below makes clear, these official estimates of skills shortages set a formidable challenge.

**Table 1: Skills shortages and permits available and granted, 2007/8**

| National Master Scarce Skills List, 2007 | National Master Scarce Skills List, 2008 | Work Permit Quotas, 2008 | Permits granted in 2007/8 |
|---|---|---|---|
| 949 117 | 502 335 | 36 350 | 1 132 |

*Sources: Department of Labour, National Master Scarce Skills Lists 2007-8; Department of Home Affairs, Work Permit Quota List 2008.[27]*

Like many other developing countries, South Africa loses a significant proportion of its skilled workforce every year. The losses began in the 1970s, but have accelerated since 1994.[28] Numbers are difficult to estimate because people leaving to live and work abroad, even on a permanent basis, often do not declare themselves to be emigrants. One way to make up for this underreporting is to use receiving country data, including censuses, household surveys and applications for official documents (like national insurance cards in the United Kingdom). Using such data, a 2006 study estimated that more than 520 000 South Africans emigrated between 1989 and 2003, with the numbers growing by 9 per cent a year.[29]

The same study calculated that, in the same period, South Africa suffered an annual net loss of 2 300 skilled people, quadrupling to about 9 300 a year after 1994. In other words, the number of skilled emigrants tripled and the number of skilled immigrants more than halved between 1989-1993 and 1994-2003.[30]

About 120 000 of these emigrants were skilled people (representing about 7 per cent of the total stock of professionals employed in South Africa), more than eight times more than the number of professional immigrants in the same period.[31]

What must be done to address this formidable deficit, and counteract the ongoing attrition? The obvious place to start is the educational system. Plans to train more teachers include the introduction of bursary schemes by both government and business. However, in 2008 only 5 611 teachers graduated,[32] and throughput is likely to remain modest. Perhaps realising this, government and teachers' unions pin their hopes for improving the South African schooling system on existing resources. Their main proposed remedies are to raise the status of teachers, pay them more, and re-recruit qualified teachers who are not teaching at present. In short, they believe the necessary teaching resources exist, and only have to be properly marshalled. One expression of this hope is the Education Roadmap (2008), produced by the African National Congress (ANC) and the Development Bank of Southern Africa (DBSA). While short on detail, the Roadmap seems to assume that 'teacher development' will solve the educational crisis.[33]

There are, however, a number of problems with the approach of seeking only to improve the human resources we already have, as well as with trying to produce more and better educators rapidly. This is because, as educational experts agree, it takes decades, to improve public schooling systems. Dr Nick Taylor, one of the country's leading education experts, has commented as follows on the Department of Education's Dinaledi project, a short-term intervention aimed at improving maths and science teaching in about 500 public schools:[34]

> Initiatives of this kind are by their very nature of a very long-term variety, usually taking three to four years to bed down, followed by the seven years required to complete one primary school cycle, therefore only impacting at the secondary school level after 10 years. Schooling has long cycles, and programmes designed to improve quality are measured in decades. ...

In any case, the weakness of the education system creates a vicious cycle. Prospects for improving teachers by further training are limited by the fact that most are products of the currently dysfunctional system. Moreover, intensive training will remove them from their classrooms.

Given the high demand in the private sector, attracting maths and science graduates to teaching is yet another problem. The government's scarce skills list estimated a shortage of over 18 000 in the combined categories of 'training and development professionals' and 'further education and training lecturers' in 2008. Many of these posts could be filled by teachers, lured by better pay. Given these problems, policy-makers should consider an injection of resources from outside the current educational system, and indeed from beyond South Africa's borders (see box, facing page).

## Confronting the sceptics

CDE's research shows that many South Africans understand the country's need to import skilled people.[45] Despite this, some opinion-makers remain suspicious of skilled immigration. This suspicion usually takes the form, in public at least, of denying that the country has a skills shortage.

Denialists argue that South Africa cannot lack skills because many domestic graduates are unemployed. In 2008, Jimmy Manyi, subsequently appointed (and later suspended) as director-general of the Department of Labour, declared that talk about a skills shortage was a euphemism for the belief that South Africa needed more white people, and that skilled black people were underutilised.[46]

This is both inaccurate and irrelevant. The global skills market encompasses talented, skilled and energetic people from all over the world, and South African businesses have been more than happy to employ skills from Africa and Asia. In any case, recent research has shown that graduate unemployment has been greatly overstated. Rather than earlier estimates of 100 000, one recent study puts unemployed people with degrees, diplomas and certificates at 15 475.[47] Other estimates range from 3 per cent to 5 per cent of graduates.[48]

Government officials have sometimes created the impression that when retirees capable of returning to work, people in the wrong jobs, and the diaspora are added together, South Africa does not have a skills shortage at all. As one government adviser put it in 2006, 'Our priority is to recruit scarce skills within South Africa rather than going abroad for talent.'[49]

This is a good example of confused thinking about skills shortages and immigration: if these skills could be recruited within South Africa, they would not be scarce. Similarly, at the launch of JIPSA, Mlambo-Ngcuka spoke of addressing the skills shortage by drawing on people who had 'wrongly deployed themselves in the economy'.[50] This is wishful thinking born of an outmoded belief in a planned economy, and misconceptions about how people make life choices.

## INDIAN TEACHERS FOR SOUTH AFRICA?

South Africa makes very little use of foreign nationals in its public education system, either as contract workers or immigrants. In 2005, about 1 280 teachers – 0,33 per cent of the total – were foreign-born. About 50 per cent were Indians, and the next- largest number were Ghanaians.[35] Government attempts to recruit maths and science teachers from India in 2005 and 2008 were halted by teachers' trade unions.[36] By 2007 there were 4 000 scarce skills quota permits available for maths and science teachers, but in 2007-8 only about 350 were taken up.[37] Despite this, the lengthy court struggle in 2008-9 of a Zimbabwean teacher to obtain a South African work permit – extensively documented in the media[38] – highlighted the extraordinary obstructions facing would-be immigrant teachers and those who want to employ them.

There is no doubt that there are massive shortages of education and training professionals. Even official reports recognise this. This makes the demands of South Africa's Teachers' unions for self-sufficiency – demands sometimes echoed by government – unrealistic. One way of facing these realities would be to attract good foreign teachers, who could teach as well as train existing teachers. A potential source is India.

More and more Indian teachers are teaching in the United Kingdom and United States. In 2003 about 10 000 Indian secondary school teachers were working outside India, mainly teaching maths, sciences and English.[39] In 2007, CDE commissioned research on whether South Africa could benefit by recruiting teachers from India.[40] The study found that Indian teachers were extremely well qualified by South African standards, generally speak good English, and earn far less in India in rand terms than teachers earn here.[41] South Africa also has close diplomatic ties with India, so much so that in 2008 the Indian Foreign Minister declared that he would be happy to help South Africa recruit teachers from India.[42]

All of this suggests that Indian teachers might be amenable to coming to South Africa, while the principle that South Africa needs to import at least some teachers is formally recognised on the work permit quota list. The number of permits for maths and science teachers has risen rapidly, quadrupling to 4 000 between 2007 and 2008.[43]

Research commissioned by CDE also shows that South African teachers, learners and education officials would accept Indian teachers as long as they are not recruited as an alternative to developing domestic teachers, but as part of a long-term strategy to develop enough qualified South African teachers.[44] Thus, skills transfer would need to form part of their job description.

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The truth is that our labour market is more complex and sophisticated than our policy-makers believe, which leads to delusions about available skills. We live in an enterprise society (albeit one that is less than perfect), not a planned economy. People are

individuals, not units of labour, and when they 'wrongly deploy themselves' it is because that is what people do in a free society that offers them a wide range of opportunities.

Some policy-makers and planners also seem to believe that the financial turmoil of the past two years will dampen the competition for skills, thus allowing every country to concentrate on developing its own talent. It is true that the demand for skilled immigrants to developed countries has slackened. For instance, quotas for skilled immigrants to the United Kingdom from outside the European Union have been reduced in a few categories. However, any reduction in demand for skills is likely to be short-lived, for three reasons:

- Policy-makers in the developed world are well aware that fiscal retrenchment – cuts in government expenditure and borrowing – will not resolve their financial and economic problems by itself; only renewed and revitalised growth will do this, and that requires more skilled people.
- The changing age structure of the European workforce means that it will continue to absorb talented workers from the rest of the world.
- Renewed growth in Asia will sustain demand for skills in commodity-producing countries that feed Asian growth (like Australia, one of the main destinations for South African skilled emigrants).

**Summary:** This section outlines the vital role played by skilled immigrants in stimulating economic growth, and how competition for skilled people has developed in recent years. Since the 1980s South Africa has lost many more skilled people than it has replaced. The pressures that cause immigration have not eased, and the prospects for rapidly expanding our pool of skills from our own resources are not good in the short term. Scepticism about the need for skilled immigrants in South Africa is usually based on misunderstandings – whether in good or bad faith – about the nature and extent of South Africa's skills shortages.

# Acquiring skills for economic growth

## The policy and legislative framework governing the entry of skills

Although immigration has received ongoing attention since 1994, policy-makers have been unable to formulate effective policies that match achievable goals with available resources and capacities. This sense of immigration policy as interminably unfinished business has had a negative effect on the management of migration, with confusion and uncertainty about policy leading to a lack of clarity at operational levels.

Following the publication of a Green Paper on International Migration in November 1997, it took more than eight years to finalise current legislation. Landmarks have been the passing of the South African Immigration Act (2002), the publication of accompanying regulations in December 2002, its amendment in 2004, and the publication of yet more regulations in July 2005. The process was completed – for the time being at least – by the publication in February 2006 of quotas for issuing residence permits to skilled foreigners without prior job offers. Five months later, then President Thabo Mbeki

signalled that the quotas would be revisited yet again.[51] Indeed, while the skills quotas are now central to immigration policy, no such system was envisaged when the legislation was first presented to parliament.

The original Immigration Bill was a creative and radical initiative which provoked hostility from elements in the ANC Alliance. The then Minister of Home Affairs, Mangosuthu Buthelezi, was also the leader of the IFP. This led to friction between Buthelezi and his advisors on the one hand and ANC-aligned officials and ANC parliamentarians on the other. However, the Bill was also provocative in substance, for two main reasons:

- It accepted the need to import skilled people to stimulate economic growth, and acknowledged the business case on this score; and
- It accepted limitations on the capacity of the state to administer sophisticated and demanding processes such as skills quotas, which were, as a consequence, entirely absent from the first draft of the Bill.

Much to the government's embarrassment, ANC MPs began to oppose the bill in the last stages of its passage through parliament. Despite the attempts of at least one cabinet member – Alec Erwin, then Minister of Trade and Industry – to block them, the MPs enforced the introduction of a rigid quota system aimed at regulating the entry of skilled foreigners. While the process of finalising the legislation was far from transparent, the likely motivations for the change were two misplaced beliefs: in the need to protect local people against competition from people born elsewhere, and excess confidence in the possibility of forecasting labour market needs in detail.

Thus, while one of the principal objectives listed in the preamble to the Act is to 'Give the South African economy access to the full measure of needed contributions by foreigners', the quota system set out in the Act does not reflect this facilitating and enabling spirit. It directly contradicts the repeated declarations by senior government sources that skilled immigrants have a key role to play in bolstering economic growth, and that every effort would be made to recruit them. Control and restriction, based on a misplaced faith in the forecasting of human resources needs, are the guiding principles.

## From scarce skills list to quotas

At the heart of the skills migration system are two instruments, the National Master Scarce Skills List (NMSSL), and the Work Permit Quota List (WPQL). The former is produced by the Department of Labour, and the latter by the Department of Home Affairs.[52] The former lists shortages of skilled people in a number of categories, and the latter – meant to be based on the former – lists the quotas for work permits in a number of occupational categories. As explained below, these lists are not the only skills gateway into South Africa. However, they exemplify the protectionist spirit and micro-regulatory processes which govern the acquisition of foreign skills, and are therefore worth examining in detail.

The scarce skills list is compiled on the basis of consultation with Skills Education Training Authorities (SETAs) and line departments involved in a skills committee of the government's economic cluster (Higher Education, Home Affairs, Public Enterprises, Science and Technology, and Trade and Industry). As a result, the Department of Labour claims that the list 'reflects the skills that are most needed in our country and on which we need to focus efforts in acquiring and developing'. It goes on to distinguish between 'scarce' and 'critical' skills, and 'absolute' and 'relative' scarcity. 'Relative' scarcity

refs to a situation in which 'suitably skilled people are in fact available in the labour market' but are disqualified by lack of experience, unwillingness to work in particular geographic areas, or 'equity considerations', where there are 'few if any candidates from specific groups available to meet the skills requirements of firms and enterprises'. However, the actual numerical values on the scarce skills list do not reflect these differences.

The scarce skills list is intended to guide the Department of Labour itself (for 'skills development interventions'), Department of Education ('course development and career guidance'); and Department of Home Affairs (as a basis for compiling the work permit quota list, and evaluating employer-sponsored applications for work permits).[53]

The process of determining occupational categories and quotas is complex, and involves consultation among numerous government departments.[54] The categories and quotas on the quota list are considered by both the Skills Focus Group (comprising the Department of Labour and the Departments of Higher Education, Home Affairs, Public Enterprises, Science and Technology, and Trade and Industry). During the lifetime of JIPSA, a technical task team including representatives of labour and business also made inputs into the lists before they were published.

Scrutiny of the two lists reveals four problems:

- The credibility and effectiveness of manpower planning in calculating skills shortages;
- Excessive variations in the scarce skills list from year to year, seen in greatly varying categories and estimates of shortages;
- Discrepancies between 'magnitudes of scarcity' in the scarce skills lists and scarce skills quotas; and
- Differences between official calculations of skills shortages and independent estimates.

## Manpower planning and skills needs

Quotas rely on the assumption that a country's skills needs can be accurately and precisely estimated. This assumption is contradicted by what we know about the complex processes through which economies[55] grow and change. Indeed, research in both developed and developing economies indicates that it is impossible to predict the demand for various kinds of employees more than two or three years in advance – a limited time horizon that puts the whole enterprise in doubt.[56]

Immigration policy in South Africa has clearly not taken this difficulty into account. This was acknowledged by policy-makers during the bitter infighting that led to quotas being inserted at the last minute into the Immigration Act. A Home Affairs document published in May 2002 stated that:

> Quota systems were contemplated by the DHA between 1995 and 1998, and after long study they were disregarded because they do not meet South African needs, [and] require an enormous amount of administrative capacity to administer. ... Moving to a system in which quotas are established to cover the entire field of human activities will require ... monumental data-gathering and processing capacity ... government would need to employ a great deal of capacity which the DHA does not have ... One cannot even begin identifying how the system ... would eventually work.[57]

The discrepancies between the scarce skills list and work permit quota list seem to bear out these views.

## Variations on the scarce skills lists from year to year

The scarce skills list for 2007 includes 214 work categories, and identifies a shortfall of close to one million positions. It covers managers, professionals, technical specialists and even 'elementary' workers, such as commercial cleaners, construction workers, factory workers, farm and fishing hands, and 'handy persons'. According to this list there is a major skills shortage in almost every economic sector, a conclusion supported by CDE's research and other sources.[58] The most severe shortages were noted in agriculture, the teaching profession, and numerous trades. Major shortages of general management personnel were also noted.

However the scarce skills list for 2008 paints a very different picture. First, it seems to reflect a near halving of South Africa's skills shortages in 12 months, from a total of 949 117 to 502 335. Although no explanation is offered for this remarkable change, its origin is easily traced to large reductions in the skills deficits in two categories used by the drafters of the list: managers and elementary workers. Entire classifications of agricultural skills on the 2007 list – including 102 670 crop farm managers and 252 000 mixed crop and livestock farm managers – are omitted in 2008. Similarly, under elementary workers, a total of 220 000 'crop and livestock workers' simply disappear.

**Table 2: Scarce skills in South Africa, 2007 and 2008**

| Occupational category | 2007 | 2008 |
|---|---|---|
| Managers | 322 950 | 41 585 |
| Professionals | 160 100 | 137 545 |
| Technicians | 92 600 | |
| Technicians and trade workers | | 113 065 |
| Community and personal service workers | 77 785 | 54 585 |
| Clerical and administrative workers | | 53 580 |
| Sales personnel | 21 300 | 25 780 |
| Machinery operators and drivers | 13 167 | 42 580 |
| Elementary workers | 261 215 | 33 345 |
| TOTAL | 949 117 | 502 335 |

*Source: Adapted from Department of Labour, National Master Scarce Skills List for South Africa, 2007, 2008*

Similarly, the subcategory of 'general managers' in 2007 includes 'senior government officials – national, local and education' who 'plan, organise, direct, control and review the day-to-day operations and major functions of education, commercial and industrial organisations through departmental managers and subordinate executives'. The skills gap is calculated at 13 525. In the 2008 version, the category is disaggregated into general managers and senior government and local government officials, and shrunk in

numbers to 1 455 and 400 respectively. This raises an obvious question: which of these dramatically different estimates is more credible?

## Discrepancies between the scarce skills list and work permit quota list

Despite the claims by the departments of Labour and Home Affairs that they consult closely on the two lists, there are obvious discrepancies between them. First, the categories and overall organisation are not the same. For instance, the quota list provides for about 200 of each of astronomers, astrophysicists, atmospheric scientists and space scientists – categories that do not even appear on the scarce skills list. The quota list does not mention doctors, accountants and engineering managers (to mention only a few omissions), but finds room for 800 of these rarefied scientific professionals.

Another problem is discrepancies in the 'magnitude of scarcity'. As a result, the quota list sometimes provides for permits for many more than the calculated shortages. For instance, the scarce skills list contains a single category for actuaries, mathematicians and statisticians, with a 'magnitude of scarcity' of 100. However, the quota list allows for permits for no fewer than 500 actuaries and risk assessors, as well as 500 statisticians. Similarly, the scarce skills list estimates the scarcity of economists at 365, along with 450 'land, property and asset economists and valuers', while the quota list makes room for 500 economists as well as 500 agricultural economists. A magnitude of scarcity in 'civil engineering draftspersons' of 3 960 translates into 1 500 permits, or 38 per cent of the shortage. However a 5 145 shortage of 'electrical engineering draftspersons' calls for 500 permits, only 10 per cent of the total.

These discrepancies raise yet more questions about the credibility of the lists and the relationship between them. However there are arguably more serious, if less obvious, flaws in this exercise in human resource forecasting. These are best illustrated by considering three broad skills/occupational categories: specialist managers (and allied categories); teachers (and other educational and training categories); and technicians. These suggest that the immigration system fails to take into account the importance of managing and training skills, and underestimates the lack of numeracy in our economy and labour market.

## Specialist managers

Table 4 reflects the shortages of 'specialist managers' in the 2008 scarce skills list.

**Table 4: Shortages of 'specialist managers', 2008**

| Category | Magnitude of scarcity |
|---|---|
| Advertising, marketing and sales | 4 045 |
| Finance (including municipal finance managers and audit managers) | 2 530 |
| Contract, programme and project managers | 2 860 |
| Construction managers | 1 825 |
| Engineering managers | 2 770 |
| Production/operations managers | 3 130 |
| Supply and distribution managers (including logistics) | 2 950 |
| 'Other specialist managers' including environmental, arts and culture, office and quality managers | 6 955 |
| Retail managers | 4 830 |
| Call or contact and customer service managers | 3 390 |
| TOTAL | 35 285 |

*Source: Adapted from Department of Labour, National Scarce Skills List, 2008. Only scarcities of more than 1 000 are captured.*

If a number of smaller subcategories (omitted from the table for purposes of clarity) are added, the shortfall of people with professional qualifications as well as managerial skills and experience rises to almost 40 000. However, the quota list only recognises professional qualifications and not managerial skills, reflecting a huge and potentially catastrophic failure to recognise that skilled professionals need to be managed by other, more experienced, professionals.

## Education professionals

Table 5 reflects the scarce education and training skills listed in the scarce skills lists for 2007 and 2008, as well as the provision made for them in the 2008 quota list.

**Table 5: Education and training skills shortages versus permits, 2007 and 2008**

| Occupational specialisation | Description | Magnitude of scarcity, 2007 | Magnitude of scarcity, 2008 | Provision in 2008 permit quota list |
|---|---|---|---|---|
| Early childhood development practitioners | Teach the basics of numeracy, literacy, music, art and literature to pre-primary students | 6 695 | 6 260 | Nil |
| Foundation, intermediate and senior phase school teachers | Teach a range of subjects within a prescribed curriculum to primary and grades 4-9 school students | 7 250 | 11 155 | 4 000 schoolteachers (maths, science, design and technology specialisations) |
| Further education and training (FET) teachers and lecturers | Teach one or more subjects (theoretical or practical component) to FET students | 2 4015 | 9 635 | Nil |
| Special education teachers | Teach students with learning difficulties or special needs | 13 160 | 13 885 | Nil |
| ICT trainers | Analyse and evaluate information based system training needs, conduct ICT based training programmes and courses | | 155 | Nil |
| Training and development professionals | Plan, develop and implement training programmes required by organisations to meet objectives | 2 115 | 9 260 | Nil |
| TOTAL | | 53 235 | 51 390 | 4 000 |

*Sources: Extracted from Department of Labour, National Master Scarce Skills List, 2007 and 2008; and Department of Home Affairs, Work Permit Quota List, 2008*

According to the scarce skills list for 2008, our education and training systems lack more than 51 000 skilled people; however, the quota list only provides for a handful of permits in these categories.

If we accept the numbers on the scarce skills list, this discrepancy seems to imply a belief that the rest can be sourced domestically. Who will train the 31 300 classroom and special teachers envisaged in the master skills list? As we have already noted, a total of 5 611 teachers graduated in 2008.[59] How long will it take to fill the shortages? Where might the 9 635 FET lecturers come from, not to mention the 9 260 'training and development professionals'? If they are to be found domestically, they will probably be

drawn from the ranks of able and experienced schoolteachers, which will strip schools of teachers who can teach.

Another awkward question is whether or not the relevant departments have the budgets to train all the educators we are short of.

## Technicians

Given discrepancies between the scarce skills and quota lists, this is a difficult category to analyse. For instance, the scarce skills list cites a shortage of 200 agricultural technicians, while the quota list allows 5 000 permits for 'agricultural and science technicians'. However, the scarce skills list yields a total 'magnitude of scarcity' for occupations including the word 'technician' of 39 860. Using the same yardstick, there are immigration quotas for 10 950 technicians, 27 per cent of the projected shortage. Assuming that the official figures are reliable, this leaves a shortfall of nearly 29 000 technicians to be generated from domestic sources. Once again, pointed questions need to be asked:

- Given that technicians need to be numerate, how soon can South Africa's education system produce people with maths qualifications to be trained in these numbers?
- Given that, according to the 2008 scarce skills list, South Africa lacks so many lecturers and other 'training and development professionals', who is going to train these huge numbers of technicians?
- Do the various components of the education and skills training system have the budgets to meet such ambitious targets?

# Discrepancies between official calculations of skills shortages and independent estimates

One of the areas in which the quota system appears most out of touch with reality is that of health. Table 6 reflects the shortages of health professionals cited in three documents: the scarce skills list, the quota list, and the Department of Health's policy document entitled Human Resources for Health (2006).

**Table 6: Skills shortages, production targets, and immigration quotas**

| Health professional category | 'Magnitude of scarcity' (2008) | Qualification | DoH Human Resources Plan (2006) | Scarce Skills Immigration Quota |
|---|---|---|---|---|
| Medical imaging professionals | 5 000 | 4 Years Univ/Tech | 'Radiographers' – increase from 414 a year to 600 by 2010 | Nil |
| Medical technicians | 10 000 | 3 Years Technikon | No current production or future target specified | Nil |
| 'Pharmacists and pharmacy assistants' | 10 030 | Pharmacists 4 years university: assistants 1 year Univ | Pharmacists from 400-600 a year by 2010 Assistants from zero to 900 a year by 2010 | Nil, though '300 research and development pharmacologists' provided for |
| Occupational and environmental health professionals | 850 | 3 years Technikon | No increase recommended on 2006 figure of 558 a year though situation to be reviewed in 2008 | Nil |
| Speech professionals/audiologists | 450 | 4 years University | From 311 to 500 a year by 2010 | Nil |
| Optical lab technicians | 10 000 | Not specified | Does not appear in HR strategic plan | Nil |
| Paramedics | 215 | 3 years Technikon | 'EMS practitioners' from zero to 1,000 a year by 2009 | Nil |
| Registered nurses | 400 | 4 years university, Technikon, College | 'Professional nurses' from 1,896 to 3,000 a year by 2011 | Nil |
| Dental assistants | 5 000 | 1 year Technikon | 300 a year by 20008 | Nil |

*Sources: Department of Labour, National Master Scarce Skills List, 2008; Department of Home Affairs, Work Permit Quota List, 2008; Department of Health, Human Resources for Health, 2006*

At face value, the Department of Health's estimate of a total scarcity of nearly 42 000 health professionals seems to represent a frank acknowledgment of the poor state of skills in the health sector. However, the shortages are heavily skewed towards support, technical and ancillary staff (pharmacy and dental assistants in particular), and includes only 400 nurses and no doctors. These calculations are at variance with independent research estimates. In late 2008 the DBSA managed a research survey on the health sector on behalf of the ANC. The resultant report, Health Road Map for South Africa (2008) was produced after consulting all major health stakeholders in the country. It estimated that 64 000-80 000 additional health professionals would be needed over the next five years.[60]

The Department of Health[61] itself has calculated that South Africa needs 6 450 more doctors in the public service to reach world norms for low-income countries (five

doctors per 10 000 population).[62] Its report goes on to say that this shortfall cannot be met from domestic sources in the short term.

These sobering figures reinforce the need to dispel the misconception that skilled immigration is in the interests of the private sector only. In fact, it is abundantly clear that these major skills shortages in the public health and education sectors cannot be made good from domestic resources. Put differently, attracting skilled immigrants is the only way of ensuring that these gaps are closed, and these services are improved (see box, this page).

## FOREIGN DOCTORS FOR SOUTH AFRICA?

As we have seen, South Africa lacks up to 80 000 medical professionals, including 6 500 doctors in the public health system. Some public sector hospitals have only 20 per cent of the doctors they require. Many South African health professionals have emigrated, and many more are considering doing so. We cannot produce enough medical professionals ourselves, and of those we do produce many prefer to work in the private sector or emigrate. Yet we still place obstacles in the way of recruiting foreign medical professionals.

**Emigration**: In 2003 the Department of Health estimated that there were nearly 9 000 South African 'diagnostic practitioners' working in OECD countries.[63] Two years later, the OECD itself estimated that more than 12 000 South African doctors were working in its member countries.[64] This loss of skills seems likely to continue or even worsen, with studies of 'migration intent' among South African health professionals showing that a great many intend leaving the country.[65] In addition, there are 'pull factors': the Association of American Medical Colleges, for example, has concluded that the United States will lack between 85 000 and 200 000 physicians in 2020. Given this, even more South African doctors are likely to be lured away by good pay.

**Stalled plans**: In 2006, the Department of Health announced plans to fill 30 000 new posts over the following five years. A prerequisite for this was a comprehensive staffing review. In its August 2008 annual report it stated that, due to capacity constraints, this review had not been completed. The review still appears to be pending. Steps taken to stem the tide of emigration and strengthen the public health service include training more health professionals, changing health training syllabi, changing the demographic profile of aspirant health professionals, improving pay structures through the occupational specific dispensation, and requiring newly graduated doctors to work in the public service for a specified time. None of these responses has significantly altered the situation.

**Overseas recruitment**: At present the government regards the recruiting of foreign health professionals as a form of official development aid to be negotiated with friendly governments. This approach is unlikely to produce the skills South Africa needs. The government has celebrated its current bilateral agreements with Cuba as a model of such partnerships, but their impact has been limited. Between 1996 and 2009 more than 600 Cuban doctors

worked in South Africa, but there were never more than 200 in the country at any one time.[66]

Fear of being seen to 'poach' medical professionals from other developing countries has also led to heavy-handed regulation in the interests of 'ethical recruitment'. Thus South Africa has undertaken not to contract doctors from other African countries for longer than three years, and to ensure that foreign doctors never make up more than 5 per cent of the workforce in each professional health category.[67] This policy of self-denial has the perverse effect of encouraging would-be immigrants from other African countries to look for work in the developed world, where they are lost to Africa.

Official concerns centre on the health systems of the Southern African Development Community (SADC). However, doctors in SADC cannot significantly alleviate South Africa's shortage of doctors. South Africa has nearly five times as many doctors as the next SADC country (the DRC), and 18 times more than the third (Zimbabwe).[68] Indeed in absolute terms, it lacks more medical practitioners in its public service than those working in Botswana, Lesotho, Malawi, Mauritius, Mozambique, Namibia, the Seychelles and Zambia.[69]

In this sense so-called 'ethical recruitment' is an irrelevant distraction, and it would be far more sensible to regard the large number of SADC medical professionals working in OECD countries (9 564 in 2000)[70] and the even larger African diaspora as a target for determined recruiting for medical immigrants to South Africa. As the Department of Health itself put it in 2006, 'many of these professionals, mainly doctors and pharmacists, argue that they have been working outside their countries of origin for periods that vary from five to more than 10 years, and therefore do not feel that South Africa will be robbing their own countries of skills.'[71]

**Taking advantage of the international market in health professionals**: The skills crisis in South Africa's public health sector will not be resolved unless more health professionals are recruited from overseas, and salaries and working conditions are improved. South Africa's system for producing health professionals must be maximised, but this will take time. In the short and medium term, foreign recruitment could usefully complement these initiatives.

At present, South Africa sees the global market for health professionals as a threat because so many locally trained professionals emigrate. That market, however, could also be seen as an opportunity. In particular, we need to take advantage of the fact that some countries – India, the Philippines and China, among others – produce more health professionals than they need.

South Africa should take swift action to draw on these and other global sources of medical professionals. The quota permit list should be revised, and an active recruitment programme launched. This could rely on a decentralised network of people and institutions, as does Australia, which uses this approach to attract foreign doctors to rural areas where Australian doctors are reluctant to practice. This scheme offers a quick path to citizenship in return for work in underserviced areas.[72] Private sector agencies and medical NGOs also have expertise in medical recruitment that should be exploited. The Department of Health has already used the services of African Health Placements, an NGO which recruits and places foreign doctors, mainly from developed countries, in underserviced, mainly rural, areas.[73]

CDE 2010

# Does the quota system actually deliver skilled people?[74]

As we have shown, South Africa's skilled immigration quota system displays many inconsistencies, and even absurdities. The greatest of these is that no one has ever been denied entry to South Africa solely on the basis that too many people with a particular skill had already applied for permission to immigrate. In fact, as we will see, the numbers of people taking up quota permits has been woeful. That is not to say that there have been no improvement, and it appears that some of the categories of permits have been taken up in larger and larger numbers. This is not true of the quota system.

**Table 7: 'Work visas': permits for non-nationals to work in South Africa**

| Permit type | Description |
| --- | --- |
| General | May be issued to a foreigner who does not fall into one of the annual quota categories if the prospective employer can demonstrate that a South African candidate could not be found for a specific vacant position. This must include a letter motivating why a citizen or permanent resident could not fill the position; proof of efforts made to obtain the services of a resident or citizen (including an advert in the national printed media); as well as the details of all unsuccessful candidates. Furthermore, certification must be obtained from a chartered accountant to confirm that the terms of employment are not inferior to those that would be offered to a South African candidate; and this must be supported by a separate certificate from the Department of Labour or evidence from a salary benchmarking organisation showing the average salary earned by South Africans in similar positions. |
| Exceptional skills | May be issued foreigners with exceptional skills or qualifications "as determined by the Director General". No guidance is given as to what these might be, though the June 2005 regulations specify that proof of exceptional skills must be corroborated by an 'established' foreign or South African institution; testimonials from previous employers; and comprehensive curriculum vitae. |
| Corporate | May be issued to an employer to recruit a fixed number of foreigners, again subject to certification, financial guarantees and in this case, the agreement of the Department of Trade and Industry. These requirements may be waived by the Minister of Home Affairs, in consultation with the Minister of Trade and Industry, Agriculture or Minerals and Energy, and the Minister of Labour for specific industries. Historically, the corporate permit was used to enable seasonal migrant mine and agricultural workers from neighbouring states. However, more recently it has been extended to large industrial firms to enable them to bring engineers and other skilled professionals into the country. |
| Intra-company | May be issued to a foreigner for a period not exceeding two years to work in a local branch of a multi-national company. |
| Quota | May be issued to foreigners who fall into specific 'professional categories' or occupational classes' determined annually by the Minister of Home Affairs in consultation with the Ministers of Labour and Trade and Industry. These lists of skills and quotas are published annually in the Government Gazette. Applicants must provide confirmation of the necessary qualifications and experience from the South African Qualifications Authority; in addition to proof that the applicant complies with the registration requirements of the relevant professional body. |
| Business | May be issued to a foreigner intending to invest in South Africa if he/she can provide evidence of at least R2.5 million in investment; submits a short and long term business plan; and undertakes to employ at least five South African citizens or permanent residents. These capitalisation requirements may be waived for specific industries, including a very narrow range of mostly heavy industrial sectors (chemicals, auto, metals); some service sectors (tourism, crafts, and information technology); as well as clothing and textiles and agro-processing |

*Source: Immigration Act (13 of 2002).*

# Skills, growth and borders

South African law provides for six types of temporary work permit, summarised in Table 7.[75] The first four are demand-based, which means that a South African employer applies for a permit for a potential employee, but has to demonstrate that it needs the skills of the migrant in question. By contrast, the quota and business permits are supply-based: foreigners can apply for these permits without having been offered a job.

According to the DHA's annual reports, a total of 88 965 work permits were issued between 2003/4 and 2007/8, with the annual number rising by some 66 per cent a year, from 4 185 to 32 344.[76] These aggregate numbers are of limited value, however, because they tells us nothing about the types of permits issued. With the co-operation of the DHA, CDE researchers drew disaggregated figures from its database, which are reflected in Table 8.

**Table 8: Immigrant permits by type, 2003/4 to 2007/8**

|  | 2003/4 | 2004/5 | 2005/6 | 2006/7 | 2007/8 | Total |
|---|---|---|---|---|---|---|
| Annual reports (aggregate totals only) | 4 185 | 15 630 | 17 205 | 19 601 | 32 344 | 88 965 |
| Database (permits by type) |  |  |  |  |  |  |
| Quota | 907 | 1 210 | 290 | 1 138 | 1 133 | 4 678 |
| General | 9 693 | 13 450 | 8 783 | 9 303 | 10 715 | 51 944 |
| Exceptional skills | 215 | 344 | 176 | 460 | 1 138 | 2 333 |
| Intra-company | 955 | 2 113 | 1 687 | 2 295 | 2 925 | 9 975 |
| Corporate | 11 | 411 | - | 4 337 | 5 937 | 10 696 |
| Database total | 11 781 | 17 528 | 10 936 | 17 533 | 21 848 | 79 626 |

*Source: Matthew Stern and Amanda Jitsing, Immigration policy and the permit system: Changing laws, changing mindsets, research report for CDE, July 2008.*

The figures seem to record an encouraging upward trend in the granting of permits, which reflects well on the DHA's efforts to increase the intake of skills. However, there are several problems:

- There is a very large discrepancy between the figures in the DHA's annual reports and those in its own database, undermining the credibility of the data and the underlying systems and institutions.
- In absolute terms, virtually the entire increase in the number of permits issued is in the categories 'intra-company' and 'corporate'. There has been no significant movement in quota and general permits, and while exceptional skills permits have increased greatly in relative terms, the numbers are very small. These trends may reflect the bargaining power of organised big business. All skills are welcome, of course, but these figures mean that outside the charmed circle of big business, skills recruitment has been static for the past five years.
- As many as 285 000 people may have emigrated from South Africa in the same period. It is very difficult to estimate how many of them are skilled, but the figures seem to show that, at best, we might have broken even over the past five years in absolute terms. The skills we attract, however, may be less valuable than the skills we lose.

**Figure 1: Work permits issued, 2002/3 to 2007/8 (DHA database versus its annual reports)**
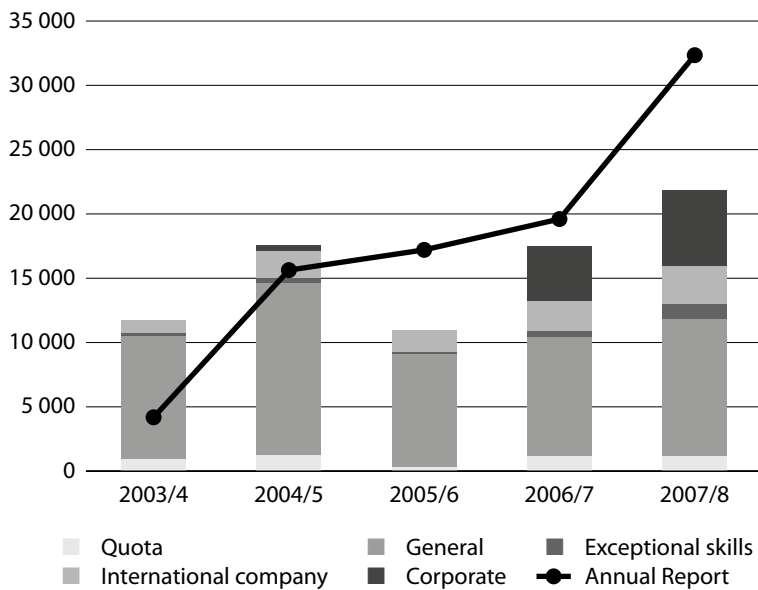


*Source: CDE calculations based on Stern and Jitsing, Immigration policy and the permit system*

Given the uncertainties of the data, it is not at all clear what can accurately be said about the DHA's performance in processing work permits. Figures from its database suggest that the overall approval rate for applications is over 90 per cent since 2003/4. At the same time, figures for later years are lower than for earlier ones, so it may be that the department is becoming more strict. It also seems that the processes may take a very long time, with about 10 per cent of the quota applications and a third of the exceptional skills applications received after 1 April 2006 had not been adjudicated by end March 2008.

A more certain conclusion that can be made, however, is that the current system is not attracting sufficient numbers of skilled immigrants, since both data sets show that far fewer than 100 000 people were granted work permits over a five-year period.

The DHA also provided CDE with data on the number of quota work permits issued by category in 2007/08. Just 1 133 (or 3 per cent) of the 36 350 available permits were issued in that year. In addition, the awarding of permits was highly skewed towards teachers, who received a third of all quota permits issued. In 11 other categories, not a single applicant was received or approved, and in a further 20, less than 2 per cent of the quota was filled. The ten best performing categories are listed in Table 9, and it includes the dire result that less than 10 per cent of the allowable quota of permits for chemical and material engineers, for example, were issued in 2007/8.

**Table 9: Work permits issued, 2007/8 (top 10 categories)**

| Category | Quota | Work permits issued | % of quota issued |
|---|---|---|---|
| Mechanical engineers | 100 | 69 | 69% |
| Electricians | 150 | 57 | 38% |
| School teachers (maths, science, D & T speciali-sations) | 1,000 | 333 | 33% |
| Electrical & electronic engineers | 500 | 100 | 20% |
| Industrial engineers | 100 | 20 | 20% |
| Fitter & turner | 500 | 97 | 19% |
| Chemists, analytical chemists & industrial chemists | 100 | 15 | 15% |
| Mechanical engineering draughtspersons & technicians | 250 | 31 | 12% |
| Actuaries & risk assessors | 500 | 54 | 10% |
| Chemical & materials engineers | 200 | 17 | 8% |

*Source: Stern and Jitsing; Immigration policy and the permit system.*

Three reasons are usually given for the poor uptake of quota permits. The first is that economic and social conditions in South Africa are not sufficiently attractive to highly skilled and mobile workers. The second is that business has been slow to embrace the quota system because other kinds of work permits, though entailing more expensive and demanding application processes, tie migrants more closely to their employers. A third reason appears to be institutional weakness.

In a CDE survey conducted in 2007, 12 of 20 firms that had any contact with the DHA complained of arduous bureaucracy.[77] The department itself acknowledges that the biggest challenge it faces is 'to capacitate Home Affairs in terms of people, numbers, skills, human resources, the technology that we are using and also in terms of the infra-structure'.[78] These problems are not restricted to the DHA. Prior to applying for a quota permit, potential applicants must register with the appropriate professional body and obtain SAQA certification of their qualifications. For engineers, this process can take six to nine months, while veterinarians register through an examination which takes place only once a year.[79] Similar problems arise in other professions, including medicine.

As we have already seen, there are more fundamental issues with the quota system, notably the schedule of occupations and accompanying quotas. The process for deter-mining the occupational categories, shortages of skills, and resultant permit quotas is premised on a range of dubious assumptions. The first is that the state has the capac-ity to identify and quantify the country's human resource needs, which is patently not the case. It also appears prone to profound – and obscure – differences of opinion and far-reaching, arbitrary changes from year to year in the structure and substance of the Master Scarce Skills List.

Given the lack of transparency surrounding the lists, these changes reflect instability in methods and data used by people compiling the lists, and may be the result of behind-the-scenes horse-trading, and influence brought to bear by sectional interests. Another

assumption implicit in the quota system is that, in the absence of rigorous controls, the country would be flooded with skilled foreigners. This is demonstrably untrue since none of the quota limits has ever been approached, much less breached. It is also economically dubious: what problem would arise if thousands of electrical engineers, say, were to request work permits in South Africa? Even if we ended up with more immigrants than we needed, the only consequence would be that price of the services offered by electrical engineers would fall, and/or some highly skilled people would look for other jobs.

This analysis shows that the permit system is flawed in conception and execution, rendering it largely unable to relieve South Africa's skills shortage. CDE has conducted extensive research on the country's skills shortages and its implications for the economy, and found that it is marked by a powerful convergence of demand and supply factors. [80]

On the demand side:

- South Africa urgently needs far higher rates of economic growth in order to create more jobs, and start to reduce poverty and inequality. However, the economy is hamstrung by a chronic lack of skilled people, something that affects the private, parastatal and public sectors alike.
- The state intends to play a more active role in shaping the economy and driving economic growth. However, it already lacks capacity, and without a rapid injection of skilled people – which are currently not available – this attempt is doomed to fail.

On the supply side:

- South Africa's schools are unable to produce large numbers of literate and numerate matriculants, thus undermining the ability of its universities to produce enough graduates. South Africa needs some 72 000 people with IT skills, for example, but produced just 18 000 between 1996 and 2007, some of whom have probably since emigrated.[81]
- Many skilled South Africans are thinking about emigrating.[82] Medical professionals in particular have high emigration potential. In 2006 the World Health Organisation reported that out of the 11 African countries for which it had reliable data, South Africa had the highest number of doctors abroad (12 136, or one third of the number of doctors working at home).[83]

In the face of these converging pressures, it will not be enough to tinker with the quotas or to promise to draw them up more rationally. Yet this seems to be as far as policy-makers are prepared to go.

All these criticisms of the existing system would be more controversial were it not for the fact that they also appear in the Department of Education's Human Resource Development Strategy (HRDS) of 2009, which states:

> While planning capacity has grown significantly since 1994, it has not yet reached levels across the HRD system that are commensurate with the levels required for effective implementation of HRD interventions in the country. In addition, the SETA Sector Skills Plans, the Higher Education and FET enrolment planning and the immigration quota list *are not informed by a common, credible and consistent modelling of skills supply and demand projections*. These problems militate against integration, and confound responsiveness of education and training provision to the demands of the labour market (emphasis added).[84]

Translated from its bland bureaucratese, this passage is a serious indictment of the state of skills planning 12 years after the launch of the first 'skills revolution', and more than two years since the launch of the second. The admission contained in it makes a mockery of the continuing pretence that skills needs – especially skilled immigration – can be fine-tuned by manpower planning.

According to the Ministry of Labour, the scarce skills list represents a 'growing coherence across government and economic sector actors in identifying and forecasting skills demand'.[85] Our analysis does not endorse this claim. Neither, it appears, does the Department of Education's Human Resource Development Strategy. Among other things, it undertakes to

> review and align the National Scarce Skills list to arrive at a common official national skills list that is aligned to the country's social and economic priority goals (including Anti-poverty Strategy; ASGISA; NIPF; and IPAP) and which would guide all HRD activities in the country; especially with regard to HET, FET, immigration targets and SETA's (sic)[86].

This implies official recognition of an unsettling fact: despite being in existence since 2003, the scarce skills list simply does not do what it is supposed to do. Disturbingly, the HRDS looks set to repeat some of the same mistakes.

Skilled immigration does form part of the HRDS, which undertakes to 'ensure that the balance of immigration and emigration reflects a net positive inflow of people with priority skills required for growth and development', and '... increase the supply of skilled personnel in the priority areas of design, engineering, artisans that are critical to manufacturing, construction and cultural activities through immigration'.

However, it remains committed to 'targeted immigration' in areas identified in the immigration quota list. Moreover, it states that a balance has to be struck between emigrating engineers and immigrating ones, with an 'indicator of outputs' for the strategy being the 'net difference between immigration and emigration of qualified engineers'. This is despite the HSRC's finding that South Africa does not lack engineers because they are leaving the country, but because they are 'migrating' to sectors of the economy where they do not practice their technical skills.[87]

Exactly what this balance or 'net difference' means is hard to tell. If it means that engineers can only be imported if they replace engineers who have emigrated, this takes the fantasy world of skills quotas even further from the real world of skills shortages. Despite the endorsement of skilled immigration, then, the HRDS does not inspire confidence that the government is contemplating a change in attitude towards skilled immigration.

**Summary:** South Africa's ability to attract skilled immigrants is hampered by a cumbersome scheme of manpower planning whose principal components – the National Master Scarce Skills List and Work Permit Quota List – are incoherent, unstable, and contradictory. Despite frequent promises by senior government figures to make better use of the global skills market, the only discernible improvement over the past five years has been that it has become easier for large companies to import skilled people. This is welcome, but not enough. Meanwhile, skilled South Africans continue to leave the country.

# From problem to resource: managing refugees and irregular migrants

AS NOTED earlier, many South Africans are receptive to skilled immigration as a strategy for alleviating the country's skills crisis. However, CDE's research has shown that many also strongly oppose any form of irregular migration. This attitude – the desire to seal ourselves off from low-skilled immigrants – is common throughout the world, especially where successful economies border less successful ones.

This is important for the debate about skilled immigration. Extreme attitudes based on exaggerated fears crowd out rational proposals for managed migration, and discourage the recruitment of skilled people. The debate begins with terminology (see box, page 30).

Before proceeding to a detailed discussion of policy on refugees and irregular migration, we need to address some popular beliefs about immigration in South Africa, and the sources of these exaggerated fears and extreme attitudes.

- *The number of foreigners in South Africa is often greatly overestimated.* In a CDE survey conducted a few years ago, senior officials in various public services in Johannesburg were asked for their estimates of the number of foreigners in Johannesburg. Their average estimate was 2,5 million of which in the officials' opinion, more than 90 per cent were here illegally. Given that the Johannesburg Municipal Area has a population of just under 3,9 million people, this estimate is clearly wrong. Even if the officials were confusing the greater Johannesburg Metropolitan Area (population 7,1 million) with the municipality, this would still imply that nearly a third of its population are undocumented migrants. Representatives of the private sector did no better: in the same survey, representatives of 45 business organisations based in Johannesburg estimated the number of irregular migrants in Johannesburg at an average of nearly 2,8 million.[89]
- *The range of skills South Africa needs is greatly underestimated.* As we have seen, policy on work permits tends to be biased in favour of actual job vacancies in large companies, concrete projects, and quotas for highly skilled occupations. In reality, we not only need skilled people to fill certain jobs, but also to create jobs, and to improve education and other vital services.
- *Too often asylum-seekers and irregular migrants are discounted as a source of skills.* Research shows that the rate of unemployment is lower among the pool of immigrants that includes undocumented migrants and asylum-seekers than among South Africans. Moreover, the unemployment rate for skilled foreigners is 6 per cent higher than among their unskilled counterparts, suggesting that South Africa is not yet making the most of this pool of skilled people.[90] In short, to think of foreigners as having nothing to offer the economy is inaccurate and misleading. In fact, the term used by the government – 'economic migrants' – better recognises the reality that some irregular migrants have more skills than others, and that they have the potential to contribute to the national economy.
- *Many people regard immigration as a matter of control - admitting people the country needs or wants, and keeping out the others.* This view is common in countries which are subject to irregular immigration, and in principle there is nothing wrong with it. However, the difficulties of putting control measures based on deterrence and

## ILLEGAL, UNDOCUMENTED, UNAUTHORISED, IRREGULAR, OR ECONOMIC?

Different terms are used to refer to people who migrate outside official channels, reflecting varying perceptions of the challenges they present, and how they should be dealt with.

**Illegal immigrants**: Used by those who insist that unauthorised entry is a criminal offence and hope to control it via strict law enforcement. An extreme case is Malaysia, whose immigration law provides for whipping 'illegals'. In December 2004 the Deputy Minister of Home Affairs in Malaysia announced that more than 18 000 immigrants had been whipped since 2002.[88]

**Undocumented migrants**: Used by those who conceive of migration issues in human rights terms, including granting status to 'illegals' through amnesties, temporary permits, and so on. However so many 'undocumented' migrants have obtained forged documents or corruptly acquired 'genuine' documents – a problem in most receiving countries and especially in South Africa – that the term can be misleading.

**Irregular or unauthorised migrants**: These neutral terms – the former used by the United Nations, and the latter by the American government – are increasingly widely used. This is the terminology favoured by CDE in this report.

**Illegal foreigner**: This is the term used in the Immigration Act, defined as someone who is in the country in contravention with the Act.

**Economic migrants**: A term used by the South African government without defining exactly what it means. It is probably meant to refer to people from elsewhere in the region who are attracted by economic opportunities in South Africa which do not exist in their own countries. They cannot gain legal entry, or choose not to, and either seek asylum hoping for refugee status, or become 'illegal' or 'irregular' immigrants.

**Forced migration**: A term used by human rights lobbyists, who are also trying to widen its definition, inter alia by claiming that new forms of pressure, such as climate change, are forcing people to cross borders.

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law enforcement at the centre of immigration policy are usually underestimated by those who advocate such policies.

- *Government has promised to revise its immigration policy*. According to the DHA's most recent statements and policy papers, the most pressing problem is 'the separation of economic migrants from genuine asylum-seekers.'[91] This is not new – indeed, Mangosuthu Buthelezi, Minister of Home Affairs from 1994 to 2004, declared that 80

per cent of asylum-seekers were economic migrants. While the basis for this figure was never made clear, his successors have made similar statements.

## Irregular migrants

The Immigration Act of 2002 contains far-reaching powers for dealing with 'illegal foreigners'.[92] Enforcement measures include powers to search premises; seize items; require individuals to identify themselves and produce proof of their status; and arrest, detain, and deport illegal foreigners. The Act creates a range of offences related to 'aiding and abetting' illegal foreigners, including in the area of employment.[94]

If South Africa has a problem in respect of irregular migrants, it can hardly be because the authorities lack the necessary statutory powers. Three factors should be borne in mind when confronting this 'problem' (and considering policy solutions):

- the question of numbers – estimates of irregular migrants published in the media are often highly inaccurate;
- the capacity of officials to use their wide-ranging powers, including constraints on this arising from resources, competence, and corruption; and
- migratory pressures from neighbouring countries, which, in turn, place strong pressures on a policy depending solely on arrest, detention and deportation.

# Problems of enumeration

Any discussion of immigration has to start with the lack of reliable data about foreign-born people living in South Africa, whether regular or irregular. Numerous estimates have been produced, with the number of such exercises rising as concerns have mounted over the influx of political and economic refugees from Zimbabwe. None, however, can claim to be authoritative. Reasons for this include:

- The desire of irregular foreigners to escape detection and their unwillingness to be part of surveys;
- The fact that many foreign-born people in South Africa are here legally, making estimates by ill-informed locals more inaccurate;
- The difficulty of distinguishing between foreigners who live here permanently or temporarily, especially when this may involve multiple entries and exits. About half a million people enter South Africa every month from other SADC countries.[95] Some overstay their visas, either temporarily or permanently.
- The ability of undocumented immigrants to acquire false documents, thus creating a large class of 'documented undocumented migrants'.

For these and other reasons, accurate head counts of foreign-born people are practically impossible, forcing researchers to revert to indirect calculations which have yielded widely differing results. The major census and survey results and estimates are listed in Table 10.

**Table 10: Estimates of the number of foreign-born people living in South Africa**

| Estimate | Source | Estimate | Method | Remarks |
|---|---|---|---|---|
| 1 | Census 2001 | Just more than 1m people 'born outside SA'[96] | Self-declaration | Many irregular migrants probably not counted. Figure equals 2,3% of SA population at the time. Figure for Johannesburg was 216 715, or 6,72% of the city's population. |
| 2 | Report commissioned by an SA trade union (2006) and compiled by an economic consultancy[97] | 9,84m irregular immigrants | Extrapolated from deportation figures | Hypothesis that for every irregular immigrant sent back, four evade deportation. Very poor methodology. |
| 3 | CDE survey of Johannesburg immigrants (2006)[98] | 550 000 Johannesburg residents are foreign-born; no distinction between legal and irregular immigrants | Extrapolated from respondents' estimates of foreigners in their immediate area | About 12-14% of city's population. If applied in 2010 on the basis of the 2001 census, it would yield a figure of about 2,5m foreign-born for the whole country. |
| 4 | Statistics South Africa Community Survey (2007)[99] | 1,26m, including SA residents and citizens | Direct question to respondents (280 000 households) on place of birth | Unlikely to have enumerated irregular immigrants. Total hardly more than 2001 census. |
| 5 | Study by Global Commission on International Migration (2005)[100] | 3-5% of SA population; 500 000 undocumented' | Not given | Widely quoted. If applied to 2010 population. would yield 1,47m–2,45m foreigners. |
| 6 | Study by A Pelser (2003)[101] | 3-5 million illegal immigrants | Not given | Outdated, but widely quoted since citation by Auditor-General in 2008. |

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*Estimate no 1* amounts to 2,3 per cent of South Africa's population at that time, which is implausibly low. In Johannesburg, the census figure for self-declared foreign-born people was 216 715, or 6,72 per cent of the city's population – almost three times higher than the claimed national per centage.[102] Even if it were up to date, the 2001 census must be treated with caution. Censuses all over the world are notorious for undercounting people who would prefer to be invisible for whatever reason, and this one seems to be no exception.

*Estimate no 2* received wide publicity in late 2006. One publication - the financial magazine Fin24 - interpreted it as follows: 'South Africa is home to as many as 10m irregular immigrants, and must brace for a flood of new arrivals as its booming economy leaves poorer neighbouring nations behind.'[103] It amounts to no less than 21 per cent of South Africa's estimated population of 47 million. Alternatively, it could be taken to mean that South Africa's actual population is 56,84 million. Looked at from another angle, if there are 9,84 million irregular immigrants in the country, South Africa hosts an underground population two and a half times the total population of Johannesburg.

Deportation figures play a prominent role in this and other estimates, and need to be examined more closely. The official deportation statistics are reflected in figure 2.

**Figure 2: Deportations from South Africa, 2003/4 to 2007/8**
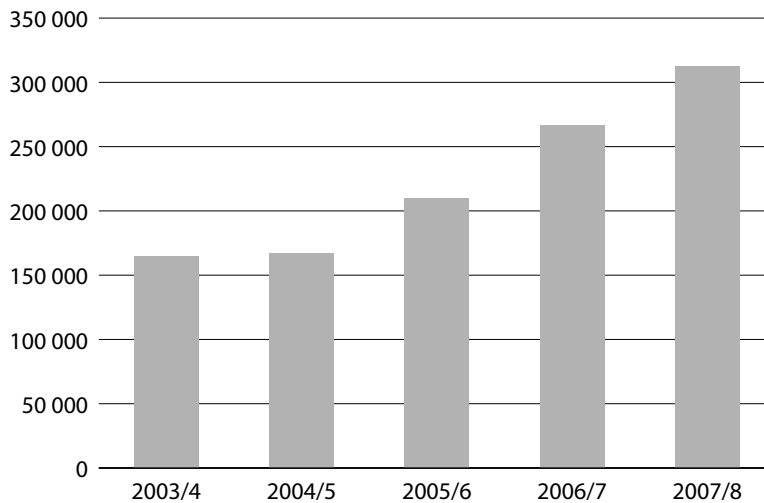


*Sources: DHA, Annual Reports, 2003-4 (p 73); 2004-5 (p 22); 2005-6 (p 22); 2006-7 (p 25), 2007-8.*

The data show that deportations are rising – or that they were until a moratorium was placed on deporting Zimbabweans after the xenophobic violence of May 2008. Beyond this, it is difficult to be sure what these figures mean; indeed, given the inadequate capacity in the DHA, they may not be accurate. Increasing deportations may be due to changes in enforcement effort, an increase in the state's capacity to detain and deport unrecorded immigrants as police numbers have increased, and the multiple deportations of one person (the 'revolving door' phenomenon). The near doubling of deportations over five years may, therefore, mean that more undocumented migrants are attempting to gain entry. However, it cannot be assumed that this is happening at the same increasing rate as deportations. Similarly it cannot be assumed that the number of new immigrants who evade deportation and add to the undocumented population is rising at the same rate as deportations.

One way of checking the plausibility of these figures is to relate them to what is known about the demography of our own and neighbouring countries. For example, the Zimbabwe Central Bank recently claimed that 1,2 million Zimbabweans had migrated to South Africa since 1990.[104] How many have returned or been deported is not estimated, but uncorroborated estimates by some South African government spokesmen that 3 million Zimbabweans are currently living in South Africa have become accepted public wisdom.

The trouble with this estimate, however, is that it amounts to more than three quarters of the population of Johannesburg. According to Lyndith Waller,[105] even the Zimbabwe Central Bank's estimate of 1,2 million is implausible: 'Census 2001 puts the [South African] population between the ages of 15 and 34 at 16 552 084. Given that the average age of irregular immigrants is 25,8, basic maths suggests that one in 16 people in South Africa (in the relevant age group) is an irregular Zimbabwean immigrant. As the distribution of irregular migrants is not homogeneous across South Africa, places like Musina would be visibly overrun.'[106] Besides, the total population of Zimbabwe is only 12 million. It is doubtful that a quarter of the population – or almost half of all Zimbabwean men – is living in South Africa.

*Estimate no 3* is based on CDE's survey of immigrants in Johannesburg. CDE researchers believed this could be an underestimate. As it stands, the figure equals 12-14 per cent of Johannesburg's population. If the census figures of 2001 are correct, and the per centage of foreigners in Johannesburg is three times higher than in the rest of the country (a reasonable proposition, given the city's role as economic hub), CDE's figures imply that there are between 1,25 and 2,25 million foreigners (both legal and irregular) in the country.

*Estimate no 4* is probably conservative as well. Although this was an extensive survey, it probably did not capture irregular immigrants, and it is doubtful that only about 250 000 more foreigners have entered South Africa since 2001.

*Estimate no 5* has been widely quoted, especially by those who are unconvinced by either the 'tsunami' projections or the conservative census figure. The most likely source is a previous study[107] by a contributing author to the Global Commission report, in which this estimate is mentioned. It disaggregates irregular migration into three streams: lawful entrants/unlawful stayers (for example visa holders who overstay); unlawful entrants/lawful stayers (for example beneficiaries of amnesties or other regularising permissions); and unlawful entrants/unlawful stayers (those who evade border control and live underground). This allows some, though not all, categories to be estimated from official and other data, and gives at least a partial basis for calculation.

*Estimate no 6* dates from 2003, appears to rely on figures for 1996-2001, and its author does not say how it was calculated. However, this did not prevent the Auditor-General from quoting it in a report – widely reported in the media – in which he sharply criticised South Africa's understaffed border policing capacity.[108]

## Causes of immigration

Whatever their precise numbers, most immigrants are from neighbouring countries, a continuation of long standing patterns.

Migration in southern Africa has a long history; South Africa mines began recruiting labourers from elsewhere in the region in the 19th century, and established channels and patterns of migration that are still used today by other economic migrants.[109] Communities in the region often straddle national boundaries, and political turmoil and economic stagnation have driven migrants southwards. Mozambique's civil war and ensuing economic devastation led to a great deal of migration in the 1970s and 1980s. Zimbabwe's economic collapse has also greatly accelerated migration from that country; in 2004, some 43 per cent of deportees were Zimbabweans, compared with only 8 per cent in 1996.[110]

The overwhelming cause of migration in southern Africa, as everywhere else, is differential economic opportunities. Migrants are motivated by the large disparities between rewards for work and enterprise in their own countries and those in South Africa, which they regard as a land of opportunity. The length of time they want to stay to take advantage of these opportunities varies enormously. Some of them are virtual commuters in circular patterns of migration; others have plans for longer-term stays, or acquire them as a result of experience here.

A survey of cross-border migration between South Africa and its neighbours has confirmed that 82 per cent of migrants have moved for employment-related reasons.[111] Correspondingly, few undocumented migrants see themselves as settling permanently in South Africa, and most say they will return home at some point.[112] There are, however,

grounds to doubt this, including CDE's surveys of immigrants in Witbank and Johannesburg. These found that:

> On average foreigners stay in Witbank for nine years; 20 per cent of foreigners have stayed longer than 20 years, and 33 per cent for less than four years.[113]

> The median length of stay in Johannesburg is 5 years, but no fewer than 14-15 per cent have been resident for less than two years. The tempo of the arrivals is generally not decreasing and it should be assumed that it is increasing sharply at the present time [2004/5], with accelerated entry from crisis-ridden Zimbabwe.[114]

> Despite the fact that the foreigners have all the appearance of a fairly settled community, some 75 per cent say that they intend to return to their countries of origin to retire. This may be a nostalgic dream for many or most of them. We note from the findings that some 40 per cent never visit their home countries or do so less than once a year. We should accept that, by the time they need to retire, far fewer than 75 per cent will actually return home.[115]

## Immigrants and the South African economy

CDE's research in Witbank and Johannesburg strongly suggests that immigrants make a positive contribution to the South African economy. Conducted in 2006 and 2008, these studies showed, for example, that migrants were significantly less likely to be out of work than local people; about 20 per cent were unemployed, compared to the 38 per cent of South African adults who are either unemployed or have given up looking for work. In Witbank, only 16 per cent of immigrants were unemployed – a very low figure by South African standards. [116]

These findings strongly suggest either that immigrants possess some skills or aptitudes for which there is unmet demand, or that they have the skills and energy needed for self-employment. Indeed, the number of immigrants involved in entrepreneurial activities was impressive, especially since levels of entrepreneurship in South Africa are consistently lower than international averages. As many as 44 per cent of Johannesburg-based migrants and 32 per cent of Witbank migrants were self-employed, compared to 12-16 per cent of South African adults in Gauteng. Twelve per cent of immigrants employed other people, averaging four staff members per enterprise, half of whom were South Africans.

Research conducted for CDE by the Forced Migration Studies Project at Wits University has confirmed this.[117] Not only was the skills base (measured in terms of completed higher education) wider for immigrants than for South Africans, but their entrepreneurial experience was also greater. According to three surveys cited in the study, many migrants working in SMMEs were already established business people in their countries of origin, or were working in professional positions.

> [While] ... 45,1 per cent of South Africans had not worked before coming to Johannesburg, only 12,1 per cent of foreigners had been unemployed ... (and) ... almost 17 per cent of foreigners had run a business before coming to the city compared to just over 3 per cent of South Africans.[118]

This educational profile was confirmed in another survey of Zimbabweans in Johannesburg: 62 per cent had passed matric, and 32 per cent had a post-secondary education (a diploma, professional qualification or university degree).[119] However, most respondents

had low-level jobs, which confirms that the skills of African immigrants are largely underutilised.

**Summary:** There are far fewer foreigners in South Africa than many people believe, and many play productive roles in the economy. That does not mean that we should be complacent about the presence of irregular migrants, or indifferent to their numbers. We need to decide how to manage the fact that our economy is attracting large numbers of people from an underdeveloped and conflict-prone continent.

## South Africa's refugee policy: commitments, burdens and delivery

South Africa is officially committed to the highest international standards in respect of human rights (see box, facing page). This is consistent with its rights-based constitutional order and the 'internationalist' posture of its foreign policy. However, South Africa is also a middle-income developing country on the poorest and most conflict-prone continent in the world, and its relatively well-developed and dynamic economy is a magnet for people fleeing from political oppression and economic hardship. These two conditions often go together in Africa, as the example of Zimbabwe shows. It is for this reason that the South African government is probably right when it argues that large numbers of 'economic migrants' are using the asylum and refugee system to gain entry to the country, and that distinguishing between them is difficult.

The 1969 Organisation of African Unity Convention on Refugees broadened the framework of refugee protection to take into account what member states saw as specifically African conditions. However, as one researcher has noted, the post-apartheid government's new refugee policy 'eschewed some of the hallmarks of African asylum policies (camps, group determination, delegation of responsibility to the UNHCR) relatively early on, opting to administer its own self-settlement model of protection, accompanied by individualised status determination procedures'. The result 'was a reception and status determination system containing strong procedural safeguards for applicants and a variety of institutional checks and balances on the decision-making process. ... In these respects, and on paper, South Africa stands out as a global North-style status determination system, albeit located in the global South.'[120]

South Africa has found it very difficult to implement its refugee and asylum-seeking regime. The most commonly cited reasons for this are institutional weaknesses and official corruption. Indeed, in October 2009 the director-general of the DHA told parliament that corruption was 'the biggest problem at Home Affairs'.[121]

Another major problem is that the asylum-seeking process creates a very heavy workload. Ninety per cent of asylum applications finalised in 2008 were rejected, which implies that as the backlog is cleared, 200 000 unsuccessful applicants will have to be deported. This will be a substantial and controversial task, complicated by the right of appeal under Section 26 of the Refugee Act and the existence of experienced and well-motivated human rights and legal aid organisations.

## SOUTH AFRICA'S COMMITMENTS TO REFUGEES

South Africa's obligations to refugees and asylum-seekers are set out in the Refugees Act (30 of 1998) and the Immigration Act (19 of 2004). The Refugees Act states that South Africa has agreed to the 1951 Convention Relating to Status of Refugees, the 1967 Protocol Relating to the Status of Refugees, and the I969 Organization of African Unity Convention Governing Specific Aspects of Refugee Problems in Africa. In agreeing to these various conventions and protocols, South Africa has agreed to take on certain commitments in terms of accepting refugees and dealing with them as international law deems correct.

The Refugees Act describes a refugee as a person who, 'owing to a well-founded fear of being persecuted by reason of his or her race, tribe, religion, nationality, political opinion or membership of a particular social group, is outside the country of his or her nationality and is unable or unwilling to avail himself or herself of the protection of that country, or, not having a nationality and being outside the country of his or her former habitual residence is unable or, owing to such fear, unwilling to return to it'.

A key provision of the Refugees Act is that South Africa may not send individuals back to their countries of origin if threats remain to their lives or freedom, if these threats relate to their social status, political views, race, or to external aggression and other disorder seriously disrupting public life in their country of nationality. It also provides for the creation of three refugee entities: Refugee Reception offices, a Standing Committee for Refugee Affairs, and a Refugee Appeals Board.

According to the Act, a refugee becomes an asylum-seeker once he/she has lodged his/her application for asylum at a Refugee Reception Office. While awaiting the outcome of this application, applicants are issued with an asylum-seeker permit, allowing them to remain temporarily in South Africa. Their applications are then forwarded to a Refugee Status Determination Officer, who decides whether or not to grant asylum to the person in question. Should the application be turned down, the applicant may appeal to the Standing Committee and Appeals Board.

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In this regard, nubers matter: According to the UNHCR, South Africa has had to process more than 458 000 individual asylum applications since 2002, which makes ours the most heavily utilised refugee system in the world.[122] In fact, in 2006, South Africa received more individual asylum applications than any other country in the world (53 400), and was second only to the United States in 2007 (45 600). In 2008, however, the number of applications rose by nearly 400 per cent to 207 206, leaving the United States a distant second at 49 600. The corresponding figures for 2008 were 222 000 for South Africa – 'almost as many as the 27 Member States of the European Union combined' – and 44 000 for the United States.[123] Little wonder, then, that by the end of 2008 South Africa had 227 125 pending asylum applications, a 155 per cent increase over the start of that year.[124]

**Figure 3: Country of origin of people seeking asylum in South Africa, 2007**
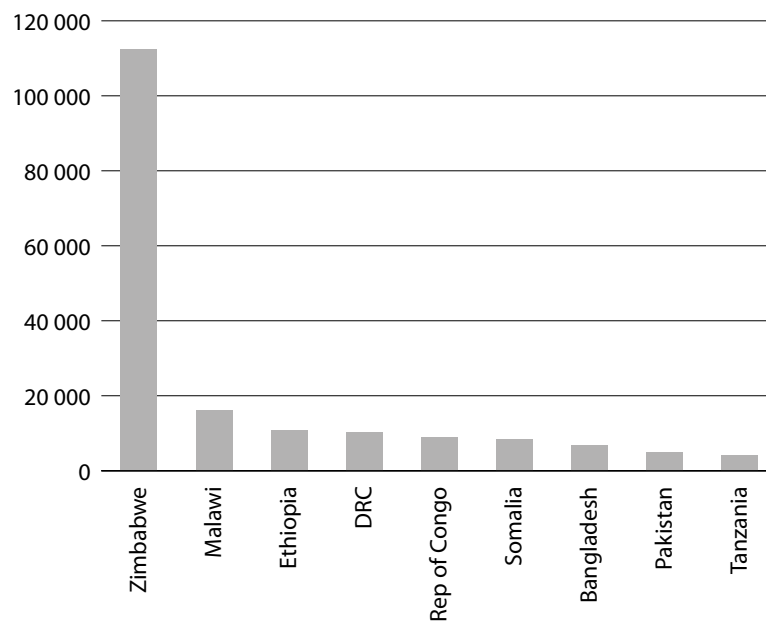


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South Africa's policy for determining the status of refugees is clearly more suited to dealing with relatively small numbers of asylum-seekers, for which it was originally designed. Under the circumstances, the country has actually done well in processing nearly 70 000 claims in 2008 (with only the much better-resourced United States processing more), and the per centages of asylum-seekers granted refugee status is roughly comparable to those of major European countries. However, as the large number of rejections reflects, the system may be overloaded simply because there are no other routes which unskilled economic migrants can realistically follow. As a result, the official line – that the refugee system is overloaded by economic migrants, and a way has to be found to separate them – has to be taken seriously.

**Summary:** South Africa's asylum-seeker and refugee determination systems are characterised by the highest volumes of applications in the world, a huge backlog, and a very low acceptance rate. While there will always be room for argument over individual cases, the DHA's contention that many asylum-seekers are actually economic migrants is probably correct. While the systems and processes for determining the status of asylum claims could be improved, alternative policy options should be considered. These include developing a legal route for economic migrants, enhancing security measures, or combining both approaches.

# Xenophobia

If we are effectively to manage the consequences of South Africa's attractiveness to asylum-seekers and irregular migrants, we have to face the issue of xenophobia.

The outbreaks of violence in some of South Africa's informal settlements and townships in May 2008, which were directed largely (though not exclusively) at foreigners, prompted the publication of several reports analysing and commenting on xenophobia. Some were based on 'quick reaction' observations and research, and some revisited and updated earlier research.[125]

All the reports emphasised the point that, while the ferocity of the violence and its rate of expansion might have come as a shock, the fact that it occurred should not have surprised anyone. As they all pointed out, there is ample survey evidence that post-1994 South Africa harbours extremely negative views about foreigners. Violence against foreigners was a feature of life well before May 2008, most notably in the murder of dozens of Somali shopkeepers in and around Cape Town. The well-documented harassment of foreigners, irrespective of whether their presence is legal or irregular, by police and officials also shows that anti-foreign sentiment is not confined to attitudes alone but has real implications for how they are treated by officials.

As a result, South Africa has acquired the reputation of being a highly xenophobic society in which suspicion, fear, and rejection of foreigners create communal tensions with negative political, social, and economic effects. Among other things, these tensions threaten public order, damage South Africa's developing human rights culture, and undermine the economy's ability to compensate for skills shortages through immigration.

Explanations have ranged from speculative generalisations about the legacies of colonialism and apartheid to high levels of inequality and economic exclusion in contemporary South African society. One review of the evidence cites:

- the government's failure to spread the fruits of growth to the poor and even to provide decent services in the areas where they live, leading to frustration and eventually anger which is directed at convenient foreign scapegoats; and
- a failure to control South Africa's borders, so that the country plays host to large numbers of foreigners who compete with economically marginal South Africans for economic opportunities and amenities such as housing and other services.[126]

The same source also notes the government's neglect of warning signs, and its tolerance of a growing culture of xenophobia, despite regular public acknowledgements of its dangers by cabinet ministers and former president Mbeki. The 2002 Immigration Act specifically tasked the DHA with combating xenophobia, but, despite the setting up of a unit in the department, little was done. An initiative of the South African Human Rights Commission entitled 'Roll Back Xenophobia' was also short-lived.

CDE's own survey research on xenophobia formed part of a wider investigation of the numbers of immigrants in South African and their roles in the economy. The findings confirm the pervasiveness and depth of xenophobic attitudes, although in some respects they give more ground for optimism than other investigations.[127] CDE's research in Witbank and Johannesburg found ample evidence of hostility to foreigners, for example. However in both instances there was also evidence – mainly from foreigners themselves - that a practical accommodation, a kind of *modus vivendi*, existed among them and local people which allowed them to get on reasonably well. Clearly, however,

since the research was conducted, some sort of tipping point was reached which - in certain specific areas - allowed a chain reaction of violent hostility to develop and break down this mutual tolerance.

The most likely reason for this breakdown was the inflow of far more people from Zimbabwe, accompanied by inflated estimates which were uncritically accepted and circulated by the media and quoted by government sources. Confused messages from the government did not help. In May 2007, President Mbeki said he believed South Africa had to live with this influx, adding: 'You cannot put a Great Wall of China between South Africa and Zimbabwe'.[128] This apparent fatalism, combined with other ministers' repetition of the unreliable figure of three million Zimbabweans in South Africa, might have helped to fuel anger at what seemed to be the government's indifference to its loss of control of migration.

Commentators and social scientists will continue to debate the nature and causes of xenophobia in South Africa. The pressing policy challenge, however, is for leaders to show a consistent concern about and commitment to managing migration. They should avoid giving the impression that government is powerless in the face of an overwhelming wave of 'illegals', but should also refrain from false promises to stop irregular migration completely.

## Walls and ladders

For many people, the much more rigorous and vigorous policing of South Africa's borders seems the obvious solution to the problems that they believe immigrants cause: competition for jobs, community tensions, and pressure on government resources. Despite the government's acknowledgment that it has failed to manage the numbers of either refugees or irregular migrants, as well as its apparent openness to new approaches, law enforcement remained the official avenue to improvement in the DHA's Strategic Plan for 2008/9-2010/11. This was made clear by making the development and implementation of the law enforcement strategy the key performance indicator in achieving the strategic objective of managing illegal immigration 'efficiently and effectively'.[129]

It is arguable, however, whether greatly improved border control should be the sole or even predominant approach to managing migration. Such a policy, after all, has its own costs – fiscal and political, human and diplomatic. Besides, to implement this, South Africa would have to take very large sums of money from other parts of the budget to construct the elaborate fences and electronic surveillance systems that would be required. Finding and funding the skilled, dedicated, and incorruptible security personnel to patrol this fence would be even more difficult. Experience here and elsewhere has shown that border control is neither cheap nor simple.

In 2003 the cabinet decided to transfer border control from the SANDF to the SAPS. By 2008, however, matters had not improved and a performance audit of border control by the Auditor-General revealed crippling deficiencies in capacity.[130] As a result, the responsibility was transferred back to the defence force with effect from April 2010. A Border Control Coordinating Committee (BCOCC) tasked with harmonising the activities of six government departments and agencies relevant to border control had been in existence since 2001. However, the Auditor-General's report for 2008 noted that, due to a 'lack of proper holistic oversight and control over the strategic planning process', no overall strategic plan relating to 'borderline' policing had been adopted.[131] In his inaugural state of the nation address in May 2009, President Jacob Zuma said the

government would start the process of setting up a Border Management Agency (BMA); however, it was 'not clear what the structure, mandate, budget and executive powers of this proposed body will be.'[132]

Meanwhile the SANDF[133] and the Minister of Defence, Lindiwe Sisulu,[134] have made it clear that, due to infrastructural problems – notably the poor condition of border fences – as well as budgetary and capacity constraints, it will be very difficult to improve border security.

International experience – especially in the United States – suggests that, while physical border controls obviously have a role to play, they are not a panacea. They are also very expensive: the Congressional Research Service has estimated that a projected 1 126-kilometre fence (far shorter than the 3 140-kilometre border with Mexico) would cost $49 billion over its 25-year life span.[135] Moreover, even if fences were affordable and effective, an estimated 40-50 per cent of unauthorised immigrants enter the country legally and subsequently 'overstay' or otherwise violate the terms of their entry, which is entirely unaffected by the quality of the country's fences.[136] This variable would simply increase if undocumented passage into the United States were made more difficult by creating a more impregnable border.

One effect of this is that the costs of policing borders are not confined to the costs of policing *on* the borders. Thus, a recent study of immigration policing in Gauteng found that the police service spent more than one quarter of its annual budget on immigration policing despite the fact that immigration offences – notably that of being in the country without authorisation – is not a priority crime for the SAPS.[137] The point is not that it is futile for a country to try to control its borders; this is part of the responsibility of any government. However, it does raise the issue of how many more resources will have to be diverted to immigration policing to improve the degree of control achieved at present.

The problems with a fortress mentality do not stop at border fences. Tourism and cross-border trade contribute significantly to the South African and regional economies. In recent years, legal arrivals from African countries have increased by well over half a million a year, from 5,5 million in 2005 to more than 7 million in 2008. In just one month – January 2010 – 541 423 tourist arrivals were recorded from SADC countries.[138] Much cross-border trade and tourism would be hampered if border controls were tightened, with important implications for levels of economic activity in South Africa and its neighbours.

South Africa's citizens have a right to expect that their government should make a serious effort to manage and control the country's borders. However, the inherent weaknesses of a 'Fortress South Africa' policy suggest that to rely on control alone to manage cross-border migration would be to commit huge resources to a project that has little prospect of success: as an American immigration expert told a CDE workshop of efforts to keep Mexican immigrants out by fencing off the border, 'Show me a fifty-foot wall, and I'll show you a fifty-one-foot ladder.'[139]

The DHA's most recent strategic plan (2010/11–2012/13) suggests that officials have begun to grasp the limitations of an over-reliance on law enforcement. Although the plan envisages the participation of immigration officials in the new Border Management Agency, the emphasis on law enforcement that characterised the previous plan has been superseded by more open-ended objectives. These include the review of existing legislation and development of new or revised laws.[140]

The fact that the government is willing to amend its policies raises a central question. Should we escalate security measures – at great effort and cost – against would-be immigrants who will probably not be deterred under any circumstances? Or do we combine sensible levels of border control with measures to allow some economic migrants?

# Migration management: facing the realities

THIS SECTION draws together the research and analysis presented in this report, and identifies the realities faced by policy-makers and planners, other stakeholders, and the broader public.

An overriding reality is that migration is very difficult to manage. Migration, wherever it happens, involves conflicting interests as well as issues of national security, labour markets, culture, national identity, and integration and alienation.

As a result, it is invariably controversial, even in countries (such as the United States) that have benefited enormously from immigration, migration policy divides elites (who generally favour increased openness) from the rest of the populace (who tend to favour stronger curbs). Therefore, one of the responsibilities of political leaders in respect of migration is to ensure that the national debate around migration is conducted on reasoned rather than emotional terms.

However complex the underlying issues may be, though, some certainties do emerge. One of these is that skilled migration is invariably good for economic growth in receiving countries, and should be embraced by them. All other forms of migration – whether asylum-seekers or 'economic' migrants – require a more careful balancing of what is possible and what is desirable.

## The skills deficit

South Africa's economic policy-makers are keen to identify with the BRIC countries (Brazil, Russia, India, and China) and emulate their growth rates. Indeed, during a visit to China in August 2010, President Zuma declared that South Africa was aiming to achieved an economic growth rate of at least 7 per cent in the near future.[141]

It is important to put this laudable target in perspective. Between 2004 and 2007, at the peak of a business cycle, South Africa managed a growth rate of just over 5 per cent – its best performance in decades. At that time, however, both government and business expressed strong concerns about skills shortages, and declared their firm intention to import the skilled people the economy needs. As we have seen, this has not occurred. Since then, several international studies – notably by the OECD, as well as the group of international economists advising the National Treasury - have confirmed that skills shortages continue to constrain the economy, and that skilled immigration would be beneficial for growth and employment.[142] If South Africa is to have any hope of reaching President Zuma's target, it must provide for skilled immigration.

Our skills deficit remains both acute and chronic. It is being perpetuated by our poor education system. We are therefore not self-sufficient in skills, and have no prospect of becoming so. Moreover, given that there are many examples of countries that benefit

enormously from the global skills market, there is no need to regard self-sufficiency as either possible or desirable.

Nor is the skills deficit confined to the formal 'hard' skills of formal qualification. Instead, it extends to 'softer' areas such as entrepreneurship. We must, therefore, attract migrants with a broad range of skills and aptitudes. Although skilled South Africans may continue to leave the country, we can attract skilled and talented people from elsewhere. Among other things, we can use our comparative advantage in higher education to produce 'designer immigrants' who may then stay on to work in selected fields.

## Skilled immigration

The supply of skilled people has improved in the last five years. The DHA database, which CDE researchers were allowed access to, records a total of 79 626 work permits granted in five categories between 2003 and 2008.[143] Numbers granted nearly doubled (from 11 781 in 2003/4 to 21 848 in 2007/8). These figures represent a welcome trend, but should be seen in perspective:

- Between 1989 and 2003 South Africa lost an estimated 120 000 skilled people.
- Between 1994 and 2003 the number of skilled people leaving the country was larger than the number entering the country by an average of 9 000 every year.
- Figures for emigration between 2003 and 2008 are not available, but have probably remained at or near these high levels.

While the increase in permits granted is welcome, then, we may have done little more than break even in these years. Moreover, virtually all the increases were in two categories: corporate and intra-company (see table 8, page 24). Intra-company permits are granted for two years only, and corporate permits, though they are not tied to fixed terms, are designed to allow big companies to import large numbers of skilled people for specific projects.

All other categories were static between 2003 and 2008, with the quota system being particularly disappointing: in 2008, 36 350 permits were available, but only 1 132 were taken up. What seems clear is that we are better able than previously to satisfy the demands of big business for temporary project-driven skills from immigration, but attract few 'new South Africans' to contribute to economic growth.

The quota system is built on the flawed idea that bureaucracies can predict the skills needs of the economy; in practice, it has delivered skills lists that – in the words of the government's own human resource strategy planners – are not 'credible, consistent, or common'.[144] We are grudgingly allowing small numbers of highly specialised people, such as astrophysicists, to immigrate, while we lack almost 6 500 doctors to reach international standards of health care in poor countries.

Our migration policy must make the most of the global and regional skills markets. Artificial restrictions on importing skills must be abolished. Similarly, we must rid ourselves of quotas that bear no relation to economic reality, and rethink the self-imposed bans on recruiting health professionals in Africa, bans that help drive determined emigrants out of Africa. It is also essential to engage with those vested interests, such as public sector unions and others, that mistakenly regard skilled immigration as a threat rather than an opportunity.

Skilled immigration must be actively managed. The global market for skills presents opportunities for buyers as well as sellers. For example, more than 9 000

medical professionals from SADC countries (excluding South Africa) and many more from other African states are working in OECD countries. This presents South Africa with a potentially fruitful recruiting pool, which circumvents controversies associated with recruiting doctors directly from elsewhere in Africa. We could start there before recruiting elsewhere.

We would do well to remember that migrants and asylum-seekers also have skills. We are too fixated on high-level professional skills, and with trying to fill vacancies in big corporations. We need entrepreneurial skills at all levels. Migrants are engaged in a wide variety of productive economic activities. By running spaza shops and hairdressing salons, migrants create jobs both for fellow migrants as well as South Africans. They lower the cost of living for ordinary South Africans, and pay taxes in various forms.

## Irregular immigration

South Africa has long, porous borders and some of its neighbours and near-neighbours are poor and conflict-prone. As a result, migration pressures from the region are inevitable. The advent of democracy in 1994 released pent-up demand in the region, which was sustained by South Africa's return to economic growth. The collapse of Zimbabwe's economy added a crisis-driven quality to the regional movement of people.

While the migration flows to South Africa are nowhere near as large as many people believe, they are significant, and the factors that motivate people to migrate will not lose their force in the near to medium future.

In this regard, it is futile to hope that increased economic growth elsewhere in the region will lessen incentives to migrate to South Africa. Experience in the Americas and West Africa shows that modest improvements in living standards in countries of origin merely provide the resources needed for migration. As a result, rather than reducing migration, economic growth in countries of origin can increase flows to more attractive destinations in the short to medium term.[145] Moreover, if South Africa's economy grows more rapidly, it will become even more attractive to potential migrants in the region.

Another universal lesson of migration is that migrant communities already in a receiving country encourage more migration by providing a bridgehead of support networks and demands for family reunion.

Even the most convinced supporters of an open migration policy have to face the downsides of irregular migration. These include:

- uncertainties and pressures on the planning and provision of services, especially in poor communities;
- social tensions that feed xenophobia;
- erosion of public confidence in and respect for state agencies that appear unable to cope; and
- increased opportunities and incentives for corruption in those agencies.

In the face of these realities, South Africa's policy-makers have to make choices about the mix of law enforcement and legalisation to it should employ in managing irregular immigration.

## Asylum-seekers

As the government has recognised, the difficult issue of the confusion between economic migrants and victims of discrimination and oppression has to be addressed.

South Africa's system of refugee determination is based on our commitment to human rights, due process, and individualised processes. It must process large numbers of people who are fleeing not only from political persecution and discrimination, but also from violence, civil disruption, and failing or collapsing economies. In practice, it is difficult to disentangle these categories. This system of determination has been pushed beyond the limits of its capacity in recent years.

Developed countries have worked hard to cope with the effects of rising flows of asylum-seekers. They have done this by interdicting or processing asylum-seekers before they reach their borders, and by involving third-party states in handling or accepting asylum-seekers. Agreements among states of the European Union (the Dublin Regulation) as well as between the United States and Canada specify responsibilities for hearing asylum claims in the first signatory state entered by the claimant. Developing countries, on the other hand, often house refugees and asylum-seekers in camps until they can be processed, and sometimes even keep large numbers of refugees in camps.

Much of this is problematic for South Africa. Like some developed countries, it could dilute its present commitments to legal process in refugee determinations, with rights to appeal being an obvious starting point. This would probably lead to fraught legal battles and some loss of international moral authority, but given the unpopularity of asylum-seekers in countries that attract them, and the ANC's guaranteed electoral majority, the short-term political costs might not be high.

On the other hand, the costs of adopting the alternative refugee model (camps, mass determination, and UNHCR leadership) would be significant, both because camps are expensive, and because they cause a host of social and security problems. They will also attract legal challenges.

Nor is it straightforward for South Africa to negotiate partnerships with neighbouring countries that are transit routes to this country. Apart from the question of what South Africa might offer its neighbours in return for being tougher on people transiting through their countries to come here, if 'safe third country' approaches are to withstand legal challenge, the 'safe' countries will have to have similar human rights and constitutional dispensations as South Africa. They will also have to offer refugees similar rights to those provided for in South Africa. It is on this basis that South Africa should explore possible partnerships.

# A new approach to migration policy

SOUTH AFRICA'S immigration policies and laws have been a patchwork of principles and compromises. Exacerbating the problem, poor implementation and a reputation for corruption have undermined citizens' belief in the government's ability to deliver what the country really needs, namely the sound management of migration in the

national interest. We need to restore public confidence in a system that has been under a great deal of pressure.

A new approach would have to achieve three goals:

- Restore the credibility of the state with respect to immigration policy and its implementation;
- Realise the economic potential of immigration by actively recruiting large numbers of skilled migrants; and
- Take the pressure off our struggling asylum processing and enforcement systems.

On the basis of international experience, and our own research, CDE believes such an approach should be based on the following guidelines.

## 1. Restoring public confidence

Rising numbers of asylum-seekers (from further and further afield), large numbers of migrants from Zimbabwe, the May 2008 violence, and the DHA's reputation for corruption all contribute to a public impression that migration is out of control. Little wonder that people believe there is a huge underground population, and that it poses a threat to South African society.

Policy reforms addressing all the main classes of migrants – skilled, irregular, and asylum-seeker – will be possible only if South African citizens have confidence in the capacity of government agencies to manage migration effectively. In the absence of effective management, the case for a much more open policy towards skilled migration will not be heard.

### What do we need to get there?

Immigration policy has been a matter of public concern for years without being systematically debated. Many analysts and social leaders concentrate on instances of xenophobia rather than on the country's need for skills. At no time has there been a serious discussion of the costs of more effective border control, or the many different ways in which people enter South Africa outside the regular channels. Other topics that have not been seriously aired are just how many irregular migrants there are, and what the options are for dealing with them.

In order to remedy this, senior government figures should provide clear leadership in respect of migration policy. The first priority is to make the case for skilled immigration more actively, and to engage with skills shortage sceptics and denialists. The second is to lead the way to a better public understanding of how and why irregular migrants enter this country, how many are here and what they contribute to the country.

A prerequisite for reforming migration policy is effective political leadership. International experience shows that migration can only be successfully managed when governments are able to reassure voters that they have sound policies, and effective systems for implementing them. Improving controls along borders and at border posts is essential if public confidence is to be built.

*What does this require in practice?*

Senior government figures and political leaders should provide clear leadership in respect of migration policy by:

- Assuring citizens that their interests come first, and demonstrating that this is the case, when possible. This includes during and after instances of xenophobic violence when local communities need to be assured that government will address the underlying issues that fuel community anger (corruption and cronyism, poor service delivery, the absence of employment opportunities, etc) rather than relying exclusively on a law-and-order approach to policing local people.
- Emphasising the positive contribution of many migrants to South Africa's growth and development, and why well-managed immigration is in the national interest.
- Issuing directives to all government functionaries to refrain from using untested estimates of the number of immigrants in the country; and to stop referring to migrants in ways that cause public confusion about the legal status and rights of different categories of migrant.
- Clearly spelling out what the country expects from immigrants, notably that they should respect the rule of law and the values embodied in the constitution.

## 2. Managing borders effectively

As noted earlier, South Africa's borders are long and porous, and cannot be sealed with the resources likely to be available for the task. This does not mean that policy should be based on the idea that our borders should be open, or that migration management will always fail. What it does mean is that migration policies cannot be based on the false expectation that all irregular entrants can be kept out. Instead, we must create viable and credible channels through which migration is managed in the national interest. This means developing the smartest and most cost-effective methods of dealing with irregular migration, and recognising that growing regional trade and economic integration will encourage further immigration.

*What do we need to get there?*

Effective border management requires good 'border intelligence'. Elements of this include:

- An effective system of management at land, air, sea and other borders that is as good as we can make it with our limited resources.
- A comprehensive database of events and conditions in neighbouring states that could generate flows of genuine refugees.
- A clear understanding of push and pull factors – the factors, both here and in their own countries – that encourage, sometimes compel people to migrate.
- A thorough knowledge of modes of entry by irregular migrants, and how these change over time.
- A much more authoritative and realistic set of indicators on the scale of the challenges affecting migration in the region to inform policy development and implementation.
- A strong law enforcement focus on organised traffickers and smugglers, which might be able to reduce the flow of irregular migration without undue violation of human rights.

This approach might help us formulate more effective border control policies, and assess factors that undermine them. It could also be used to identify the most cost-effective ways of dealing with irregular entry. The DHA has taken a significant step forward by using new technology in the form of Advanced Passenger Processing for air travellers entering South Africa, which permits much more careful assessments of security risks and risks of non-compliance with the conditions of the permits issued to arriving passengers. The DHA should be enabled to utilise any further technological advances in this respect. Much of the operational work of border management is done by the police and the SANDF, both of which need to use scarce resources as wisely as possible.

South Africa should actively explore the development of partnerships with neighbouring countries to manage migration more effectively. Such arrangements with countries from which migrants originate or through which they pass on the way to their destinations are sometimes called 'mobility partnerships'. They have become a feature of migration management policies in major receiving countries, especially in Europe. Though South Africa has fewer resources than the developed countries that have negotiated such agreements with sending and transit countries, it is worth exploring what aid and incentives can be negotiated in the region in order to better manage regional transit routes. Thus South Africa might be able to secure more rigorous policing by the Mozambican authorities of routes used by migrants from countries in East Africa and Asia in return for assistance with their border control infrastructure and technology or for freeing up some forms of cross-border movement for Mozambican traders.

The experience of developed countries shows that physical barriers to irregular migration across long land borders are very expensive and are seldom totally effective. Apart from anything else, many irregular migrants often enter a country legally, and then overstay. For this reason, strategies for creating, improving, extending and maintaining physical barriers to migration should be rigorously tested, and their cost-effectiveness thoroughly assessed. One cost-effective option could be 'smart' patrol work, focusing on known routes and on areas where irregular migrants tend to live.

*What does this mean in practice?*

In the short term:

- Ensure that the DHA has the resources to take advantage of appropriate technology for gathering and processing intelligence about the movement of people.
- Ensure that all borders, especially near towns and transport routes, are properly demarcated and policed.
- Take more active steps to counter corruption among DHA officials, border staff and police officers.
- Support migration policy-making and implementation by greatly expanding the country's capacity to collect, analyse, and communicate reliable data on all aspects of migration; make more and better use of independent and respected analysts; and improve the DHA's capabilities.

In the longer term:

- Through diplomatic negotiation and the provision of incentives, develop partnerships for migration management with neighbouring states.

## 3. Realising the economic potential of immigration

It is essential to recognise that migration policy is primarily an economic issue, with enormous potential to contribute to South Africa's growth. Migration policy should not be a matter for the DHA alone; economic policy-makers must play a much bigger role. How many skills we get from elsewhere is vital to the National Treasury, the National Planning Commission, the Ministry of Economic Development, and the Department of Trade and Industry.

Until now, interdepartmental co-operation seems to have been more concerned with placing limits on the numbers of skilled people allowed to enter South Africa than with exploiting the potential of skilled immigrants. We need an immigration policy whose principal purpose is the aggressive recruitment of skilled people rather than setting and enforcing quotas. This is vital to economic development, education, and training.

In practice, this means that South Africa needs to welcome, with a minimum of conditions, any migrant with skills. Moreover, the notion of 'skills' must be defined widely so that it includes anyone with formal tertiary qualifications from recognised institutions, as well as people with entrepreneurial ability. Our need for entrepreneurs is not confined to investors with millions to invest, so we should welcome proven smaller entrepreneurs who want to start a new business in this country. Our policies should also aim to do more than just fill existing skills gaps in the corporate world; we urgently need immigrants to revitalise our faltering public health, education and skills production systems, and to boost innovation and entrepreneurship.

To achieve this, we require a more effective immigration system for skilled migrants. This must include a more active and strategic recruitment programme based on a much better understanding of both the domestic and global labour markets.

### *What do we need to get there?*

Firstly, South Africa's skills crisis should be much more openly and extensively debated. The facts and consequences of South Africa's dysfunctional skills training and education systems must be acknowledged, and skills shortage denialists and immigration sceptics must be confronted. The fact that we are not self-reliant in skills must be made widely known, and the time needed to rectify this made clearer.

The strategies of training our own skilled people and encouraging immigration are often portrayed as contradictory and even antagonistic. This is not the case: they are complementary. Skilled immigrants also have a key role to play in improving our education and training systems.

Senior government officials have talked about the need for skilled immigrants since the mid-1990s, when the severity of our skills shortage became evident. However, they have backed down at the first sight of opposition from vested interests, and policy proposals aimed at allowing more skilled immigrants have been dropped. This must stop. Without honest and brave leadership, the case for skilled immigration will not be made.

Secondly, economic policy-makers must play a far larger role in formulating migration policy. The DHA, as well as the departments of Labour and Education, which compile and administer the current skills quotas, are not the most appropriate departments to appreciate the economic significance of skilled immigration. The National Treasury, National Planning Commission, and other economic ministries must play a far more prominent role.

Thirdly, the way in which the country conceives its skills shortage needs to be rethought. We need to move away from seeking to micro-manage skills categories and towards a vision based on the ideas that we need 'skills to create skills', and 'skills to create jobs'. In a country desperate for skilled people, the immigration skills quotas are a waste of energy, and send the wrong signals. They should be abolished.

Fourthly, the government should launch a campaign to attract skilled immigrants based on international best practice

*What does this mean in practice?*

We must:

- Communicate unambiguously that skilled immigration is not only compatible with but also essential for developing local skills. Skilled immigrants should be seen as a form of foreign direct investment, with individuals investing their hard-earned skills and capabilities, paid for or subsidised by their governments, in activities that will expand our economy; increase employment; and develop cities, towns and rural areas.
- Devise a policy that invites, recruits and welcomes any migrant with skills, defined as broadly as possible.
- Market South Africa as a destination for skilled people looking for work in any sector, including public services such as health and education.
- Focus on public health as a first and 'easy win' to demonstrate the importance of foreign skills for service delivery, initially targeting the SADC and wider African diaspora in OECD countries, as well as medical professionals in countries like the Philippines and India with a tradition of exporting medical skills.
- Devise a scheme for 'designer immigrants' to be educated at South African universities, using bursaries, loans, and accelerated access to permanent residence for those who graduate. In doing this, we should target all countries whose universities fail to offer adequate opportunities for able young people, especially in respect of technical skills we need so badly.

## 4. Asylum-seekers and refugees

For various reasons, large numbers of people in Africa and elsewhere are seeking asylum in South Africa. While the DHA has significantly improved its claims-processing performance, the sheer volume of applications has generated significant backlogs. Future volumes of applications are beyond our control, and there is a limit to which the DHA can be resourced to deal with these. Obviously, any improvement in its capacity would be welcome, but the ultimate goal should be to reduce the number of people who apply for asylum.

*What do we need to get there?*

The fact that 90 per cent of applicants fail to secure refugee status – a rate comparable to many European countries – means that the government is probably correct in claiming that many asylum-seekers are actually 'economic' migrants rather than refugees. One of the principal incentives for having a debate about a legal pathway for economic migrants (see below) is to take the pressure off the asylum system, and to deal with

economic migrants in their own right. However, it must also be recognised that some proportion of asylum-seekers are genuine refugees.

*What does this mean in practice?*

In the short term:

- A special task force to clear the applications backlog must be established. If a pathway to legality were open to economic migrants, and with the agreement of the individuals concerned, the task team could divert some applicants to that programme. It would also require the capacity to deport unsuccessful applicants.

In the longer term, we should:

- Develop a 'safe third country' system in the region via partnership agreements with countries whose human rights regimes are similar to ours.
- Research the profiles of asylum-seekers (especially those from further afield), including their motivations for choosing South Africa and their routes of access, in order to establish how to discourage more people coming from afar.

## 5. Irregular migrants

Reforming our approach to skilled migration is the highest of our migration policy priorities because it is here that the greatest potential benefits are to be found. However, this cannot be divorced from the broader need to manage all forms of migration more effectively. This involves all migrants who seek economic opportunity in South Africa by means other than entry under the permit system, as well as many who seek asylum here.

There are fewer irregular immigrants in South Africa than suggested by most of the estimates that have gained public currency. Immigrants also make smaller demands on public services than is generally believed, and contribute more to the economy than is usually recognised. However, this does not provide grounds for complacency. The political and social challenges of unskilled migration need to be actively managed. It is clear that flows of irregular migrants are likely to persist, though they will fluctuate with changing political, economic, demographic and even climatic conditions in sub-Saharan Africa. We need policies that recognise the realities as well as the limits to what can be achieved.

*What do we need to get there?*

The authorities currently have significant legal powers to prevent the entry of people, and to arrest and deport irregular migrants. Indeed, the SAPS is expending a lot of time, energy and resources on doing precisely that. This has not prevented the growth of an underground population that is sometimes bullied and harassed by corrupt police officers, and which sometimes finds itself at the centre of dangerous local tensions.

What are the costs of eliminating this underground population by means of more rigorous, less corrupt, more efficient use of the powers the authorities already have? Even if such a strategy was sure to work, the likely costs include:

- The direct costs of increased numbers of better-equipped police and military personnel, as well as the infrastructure to support them, including fences along more of the border.
- The opportunity costs of spending money in this way and not in more economically productive ones.

## A NEW DEAL FOR ZIMBABWEANS

In April 2009 the DHA announced plans to create a new permit for economic migrants from Zimbabwe, which would allow them to live and work in South Africa, and access health care and education.[146] In May 2009 the department made this proposal more concrete and less generous, proposing that a free 90-day visa waiver be granted to Zimbabweans, and that they should be allowed to do casual work.[147] In June 2009, however, the minister of Home Affairs, Nkosazana Dlamini-Zuma, sent this proposal 'back to the drawing board'.[148] In October 2009, the deputy minister, Malusi Gigaba, announced that the department had presented the cabinet with a proposal to grant a 'special dispensation' to Zimbabweans in terms of which applicants would be automatically granted work and residency permits. It appeared that these special permits would be valid for three years.[149]

The most concrete result of this confused process was a moratorium on the deportation of Zimbabweans from South Africa. South African government sources indicated that Zimbabwe's inability to provide its citizens with the documents (such as passports) that would make this kind of scheme workable was a major constraint to further developing the scheme.

In early September 2010 the South African government announced that the special dispensation would be ended by agreement with the Zimbabwe government, and 'undocumented' Zimbabweans would be deported.

'Undocumented' in this sense appears to mean without Zimbabwean documents as well (presumably) as without South African documents: 'As part of this agreement, the Zimbabwean government undertook to issue documents to all undocumented nationals.'[150] The statement also included an undertaking to issue relevant permits to all Zimbabweans who were working, studying or running a business in South Africa, 'provided they have valid Zimbabwean documents'.[151] Ending the dispensation is justified in terms of seeking to ensure 'that all foreign nationals who reside in South Africa are documented and their presence regularised'.[152] The deadline for issuing documents (both by the Zimbabwean and South African authorities) was given as 31 December 2010, and the process will be extended to other neighbouring countries.

Delivering on this policy initiative is a significant administrative challenge, especially if the tight deadline is to be met. Depending on how the process works in practice, it could provide valuable lessons in developing a more strategic policy for regularising the presence of nationals from neighbouring countries in South Africa.

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- The diplomatic and trade costs of more intensive regulation and policing of cross-border flows of people and goods.
- The invisible costs of increasing the incentives for corruption that stricter law enforcement will generate.

Another factor to be borne in mind is the limited likelihood of finding enough competent, efficient and incorruptible personnel to carry out a large-scale, ongoing operation that will find, hold and deport undocumented panel beaters, casual construction labourers, and hairdressers. We need to ask whether such personnel might be better employed in apprehending real criminals.

Creating a legal pathway for unskilled immigrants from SADC could ensure that migrants make a bigger contribution to South Africa's economy than they do at present. A known and legal migrant population would be easier to manage and would make a bigger contribution to the economy (by being registered for tax, for instance) than an unknown and underground one.

Such a scheme could also reduce opportunities for corruption, exploitation, xenophobia, and crime. The burden on law enforcement would be reduced; there would be less incentive for people smugglers to operate, and law enforcement efforts could be better targeted at more serious forms of criminality. Moreover, much of the incentive for abusing the asylum system would fall away. South Africa would be able better to discharge its obligations to asylum-seekers and refugees, and the authorities would be able to concentrate on the remaining applications.

Set against these potential benefits, there are numerous challenges that must be confronted and addressed. This can be illustrated by asking the simplest of questions about any scheme to allow temporary access to South Africa by economic migrants:

- Should it be a guest worker programme (that is, of fixed duration and with built-in return) or a pathway to permanent residence?
- Which neighbouring states should participate?
- Should the number of permits be fixed or not?
- How would we treat irregular migrants who are already here? Would we offer an amnesty or insist that they return home to apply for legal status?
- How would such a scheme be policed, and how would the system be kept free of corruption?
- How would the issue of access to South Africa by close family members of the bearer of a temporary work permit be addressed given that 'family reunion' is the single largest category of immigrant entry to the United States?

An indication that the government has begun to consider such cost-benefit calculations is given by its special dispensation for Zimbabwean nationals in South Africa (see box, facing page).

### *What does this mean in practice?*

South Africa should try to find a plausible legal pathway for 'economic migrants'. At the same time, the state should compare the costs and benefits of this approach with either continuing the status quo, or intensifying law enforcement. Ultimately, we need a policy that which will invite and welcome many more skilled migrants, and will also allow some unskilled migrants to earn the right to live in South Africa.

Developing such a policy will not be easy; programmes of this sort in other countries are politically contentious, and their impact difficult to assess in advance. This debate has to happen urgently, however; it has to be honest, open, and well-informed. The status quo is too damaging to be allowed to continue, and stricter law enforcement will cost far more and have uncertain results. We have to consider alternatives.

# Concluding remarks

SOUTH AFRICA has put too many obstacles in the path of skilled foreigners who might want to live and work here, and whom the country desperately needs. We have made little effort to recruit the thousands of skilled people that could accelerate economic growth, create employment, and assist with social and economic development. We have also made too little effort to identify skills among irregular migrants and refugees to make sure we use them to best effect. This situation has been worsened by the emigration of many skilled people.

At the same time, the government has failed to manage the inflow of large numbers of (formally) unskilled people, whether economic migrants or refugees. It is impractical to throw up a wall around our borders, so we need to balance more border control with the creation of alternative legal channels for migrants.

This twin failure – to recruit and retain skilled people, and manage the entry of unskilled people – is holding back our prospects for growth and development, and exacerbating social tensions.

The realities outlined in this report must be brought home to all South Africans. Migration cannot be stopped or rigidly controlled. This is not necessarily a bad thing; the history of human progress is a story of migration. The lesson of this history is that movement towards areas of increased opportunity invariably benefits migrants, their countries of origin, and their destinations. If carefully managed, migration is a resource of immense potential. South Africa should start managing it with this frame of mind.

With smart leadership and well-designed policies that put South Africa first, the nation could reap enormous benefits from welcoming the brave and energetic people – the risk-takers – who wish to migrate to this country in search of a better life.

# Appendix 1: CDE's research on migration policy

Over the past 15 years, CDE has conducted extensive research on migration policy. The publications emanating from this research are listed below.

*People on the move: lessons from international migration policies*, CDE Research no 6, June 1997. This report examines international experience on five topics central to the migration debate in South Africa.

*People on the move: a new approach to cross-border migration in South Africa*, CDE Research no 7, June 1997. This document analyses current policies on migration in South Africa, and developed a new approach to cross-border migration for the country.

*Response to draft green paper on international migration*, June 1997. This report offers CDE's response to and opinions about the Department of Home Affairs proposed migration policy and expresses CDE's concerns about the feasibility of implementation of this proposed policy strategy.

*Should South Africa open its doors to skilled foreigners*?, CDE Debate no 8, October 1997. This report documents a public debate on migration convened by CDE. Speakers included Lindiwe Sisulu, then deputy minister of Home Affairs and Lot Ndlovu, then president of the Black Management Forum.

*Migration and refugee policies: an overview*, Ann Bernstein and Myron Weiner (eds), London: Pinter Press, 1999. This edited volume brings together papers by six senior international consultants on the international experience of migration and refugee policies. Each author provided balanced accounts of experiences and policy choices confronting governments in migrant- and refugee-receiving countries. The book concluded by drawing together lessons for South Africa from these studies.

*Becoming 'the world's most promising emerging market': is government's white paper on international migration good enough*?, February 2000. In this report, CDE analyses the white paper on migration, and asks whether the proposed policy takes government's broader policy goals sufficiently into account.

*Suggested amendments to the Draft Immigration Bill of 2 February 2000*, March 2000. Specific suggestions for amendments to the draft Immigration Bill, based on CDE's comments on the white paper on immigration.

*South Africa's skills crisis: is the new Immigration Bill good enough*?, August 2001. This report places the proposed Immigration Bill in the context of South Africa's skills crisis, and argues that the Bill is not an entirely adequate response.

*South Africa's new immigration law: A salvageable instrument for economic growth*?, October 2002. The passing of the 2002 Immigration Act should have been greeted with relief, but the response from South Africans concerned with economic growth was dismay and confusion. CDE recommends that the regulations following from the Act should be guided by the principle that South Africa should allow entry to any person whose skills, aptitude and experience suggest that he or she would be able to earn a living in the private sector, pay taxes, and consume goods and services.

*CDE Response to the 2005 Immigration Amendment Bill,* March 2005 CDE analyses the Immigration Amendment Act of 2004 and the draft immigration legislation of 2005. It argues that while most of the

provisions of the Act serve to streamline procedures – which is welcome – a fundamentally incorrect attitude towards skilled immigration continues to be embodied in the legislation.

*CDE calls for a bold approach to Immigration,* March 2005. CDE points out that the proposed changes to Immigration Act and regulations still contain a mismatch between the country's need for skilled labour and entrepreneurial investors, and calls for a redesign of migration policy.

*Immigrants in South Africa: Perceptions and reality in Witbank, a medium-sized industrial town*, CDE Focus no 9, May 2006. This case study investigates the nature and extent of immigration to Witbank, the roles of immigrants in the local economy, and the nature and prevalence of xenophobic attitudes among Witbank residents towards those immigrants. It finds that most immigrants are making valuable contributions to the town's economy.

*Skills, growth and migration policy: overcoming the 'fatal constraint,'* CDE In Depth no 5, February 2007. In this report, CDE reviews numerous issues concerning skills and growth. This review is motivated by the conviction that national success stories are driven by development of a country's own human capital across all fronts – including education, training, and the encouragement of enterprises – and using all possible resources, including skilled and entrepreneurial immigration.

*Migration from Zimbabwe: Numbers, needs, and policy options*, CDE Workshop no 1, April 2008. By early 2008, it had become clear that increased migration flows from Zimbabwe were exacerbating and dramatising already existing inadequacies of migration management. CDE aims to broaden and inform the policy debate not only on the short-term pressures of crisis-driven movement of people out of Zimbabwe, but on the wider and longer-term issues of immigration policy in South Africa.

*South Africa needs an independent Judicial Commission of Inquiry on the May 2008 violence*, July 2008. CDE calls for an independent expert commission of inquiry, headed by a respected senior judge, in the violence directed at undocumented migrants which broke out in May 2008, and recommend how this should be avoided in future.

*Immigrants in Johannesburg: Estimating numbers and assessing impacts*, CDE In Depth no 9, August 2008. This report presents the key findings of a CDE survey of immigrants living in Johannesburg. This survey was one of the largest and most sophisticated studies of immigration to South Africa ever undertaken, and establishes the most accurate profile yet of how many immigrants there are in Johannesburg. It shows that their impact on the city's economy is generally strongly positive. It then discusses the implications of these findings for migration and other policies.

*Managing migration in South Africa's national interest*, CDE Round Table no 12, October 2009. Edited proceedings of a workshop attended by leading international and South African experts on migration, senior government officials, and business representatives on what South Africa could learn from international experience in this field.

# Appendix 2: Commissioned research

The following studies were commissioned for this project:

## Research surveys

*(All research surveys were carried out by Professor Lawrence Schlemmer in collaboration with MarkData)*

Immigrants in Johannesburg: foreign immigration to South Africa's largest metropolis (August 2007)

The South African skills crisis at company level: implications for government policy (April 2007)

Between hostility, acceptance and hope: foreign immigration in Witbank (November 2005)

## Research reports and papers

Nkululeko Khumalo and Lyle Cupido, Context and contents of the SADC Protocol on facilitation of movement of persons, report commissioned by CDE, June 2009.

Monitor Group South Africa, Socio-economic costs and benefits of different approaches to managing South Africa's borders, report commissioned by CDE, May 2009.

Alexander Johnston, Immigration and recruitment in South Africa's public health sector, report commissioned by CDE, May 2009.

Catherine Cross and others, Migration management challenges in South Africa 2010-2020, report commissioned by CDE, March 2009.

Alexander Johnston, International trends in refugee policy since 1990, report commissioned by CDE, January 2009.

Maxine Reitzes, Xenophobia in South Africa, report commissioned by CDE, November 2008.

Christy Mullinder, Emigration of health professionals from South Africa, report commissioned by CDE, August 2008.

Matthew Stern and Amanda Jitsing, Immigration policy and the permit system: changing laws, changing mindsets, report commissioned by CDE, July 2008.

Carmel Marock, Skills and immigration: the status of foreign students in South Africa, report commissioned by CDE, March 2008.

Darshan Vigneswaran, Reframing South African Immigration Governance: A Survey of the Policy Framework, report commissioned by CDE, July 2007.

Maxine Reitzes, A critical evaluation of the formulation and implementation of South African immigration policy, report commissioned by CDE, July 2007.

Loren Landau, Migration as an Urban Policy Issue in South Africa's Primary Cities, report commissioned by CDE, June 2007.

Ingrid Palmary, Migration, crime and policing in South Africa, report commissioned by CDE, May 2007.

## Appendix 2

Lynelle John, Meeting the critical skills shortage from abroad: provincial and municipal perspectives, report commissioned by CDE, May 2007.

Diane Grayson, The desirability and feasibility of recruiting maths and science teachers from India, report commissioned by CDE, May 2007.

Maxine Reitzes, Irregular migrants: perceptions of their impact on South African society, report commissioned by CDE, April 2007.

Loren Landau, Immigrant entrepreneurs: opportunities and obstacles in central Johannesburg, report commissioned by CDE, April 2007.

Tara Polzer and Loren Landau, Xenophobic violence, business formation, and sustainable livelihoods: case studies of Olievenhoutbosch and Motherwell, report commissioned by CDE, March 2007.

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