
A humane approach to migrants: get real, let them in!

By David Lewis

David Lewis, a former trade unionist, academic, policymaker, regulator and company board member, was a co-founder and the director of Corruption Watch.

South Africa, and Gauteng in particular, is on the cusp of a bloodbath. It will not take the long-predicted form of an intra-South African racial conflict, but rather of a national conflict, with South Africans pitted against immigrants, writes
DAVID LEWIS.

We've been down this road before, with terrible human, social and diplomatic consequences. The likelihood of what we have come to know as "xenophobic violence" is significantly exacerbated by the build-up to what will be the most hotly contested polls – both party leadership and general elections – in the history of our democracy. However, little is said about the policies of the contending individuals or parties. It's all about personalities and identity balance.

There is one exception: immigration policy. But there's not a huge range of divergent opinion in this critical policy area, at least that is certainly true regarding the intended outcome of immigration policy – that

it should impose as restrictive a regime as possible.

Business interests want an immigration policy that enables the easy acquisition of skills required by South African firms; human rights advocates are more expansive when it comes to opening the borders for refugees and asylum seekers. But most agree that our ability to provide jobs and public services to our own citizens is undermined by permitting immigration beyond these exceptions.

Moreover, there is general agreement on how this outcome is to be achieved: remove those in the country who do not have express permission to be here – "illegal" immigrants – and seal off the borders. But when the bullets start flying no distinction is drawn between legal and illegal migrants. All foreigners are targeted. And even if the public were satisfied by the expulsion of illegal immigrants alone, it will take an enormous law enforcement response to remove them ... and most will be back before their blood can be wiped off the streets of downtown Johannesburg.

Few countries have managed to close their borders against unwanted immigration. Not even the UK, an island, has managed this – it's dispatching its unwanted immigrants to Rwanda. When, after 9/11, the US, with its lengthy

land borders, started trying to restrict illegal migration by strengthening law enforcement and building walls, there was no evidence that cross-border flows into the country decreased. Rather, there was an increase in human and drug trafficking and the number of deaths resulting from attempted crossings.

The correct approach is the precise opposite of a restrictive, law enforcement-centred policy. It is one that recognises South Africa has been at the centre of a regional labour market since time immemorial. No amount of policing, no walls or fences, no crocodiles or hippos, no populist crypto-fascists will change that. So get real! Let them in! Let them work! Give them access to public services and facilities.

Right now the vast majority of immigrants are either here as asylum seekers or refugees or they are here illegally, which is to say they are undocumented. A November 2021 paper by Khangelani Moyo, published by Migration Information Source, cites official estimates of 2.9-million migrants in South Africa. Most are from the Southern African Development Community (SADC) region and most are here illegally.

Drop the requirement for citizens of SADC states to apply for asylum seeker or refugee status. Instead incentivise

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all immigrants to pass through South African border posts, where their entry to the country can be documented. On arrival or within a prescribed time — say three months — they should furnish an address.

They should be eligible to work. To work in the formal sector they should furnish proof that they have been documented at a South African border post. The department of employment and labour (not the Economic Freedom Fighters [EFF]) should regularly inspect workplaces that employ immigrants to ensure they are documented, and that they are employed at the prescribed wage rates and conditions. Any migrants who are undocumented should be deported.

Where they are employed at wages and conditions of service below the prescribed minimum, their employers should be severely penalised. Those who choose to open small formal or informal businesses should be able to do so on the same basis as South Africans (including paying taxes), provided they can furnish proof that they have been documented.

Those immigrants who are documented should be given access to public services and facilities on the same basis as South Africans. The responses triggered by the disgraceful conduct of [Limpopo health MEC Phophi](#)

[Ramathuba](#) who earlier this year was filmed chastising a Zimbabwean woman who sought treatment in a South African hospital. This clearly demonstrates that the appalling conditions in her department have nothing to do with the use of those services by immigrants and everything to do with corruption and maladministration. The same is certainly true of Gauteng public health facilities.

This then is the essence of this approach: by entering through a South African border post migrants from the SADC will be allowed into the country, where they will be allowed to work and access public services. Of course, there will be excluded categories, such as those who have been found guilty of a serious criminal offence. But these will be a small minority. The majority will be incentivised to use official ports of entry and disincentivised from entering illegally.

African immigrants from outside the Southern African region – overwhelmingly from the Horn of Africa – are admitted on the basis that they are asylum seekers. Maintain this system in respect of non-regional immigrants. However, at present the system is incompetent and characterised by enormous corruption on the part of home affairs officials and police. Removing Southern African citizens from the asylum-seeking system will significantly reduce the pressure on the administrative process and better enable cleaning it up.

It should also be noted that immigrants from the Horn are by and large experienced, skilled traders who provide South Africans with jobs and competitively priced goods. A World Bank report estimates that each migrant creates two new jobs. The migrants from the Horn draw on networks of suppliers established over centuries of international trading. More's the pity that their uncertain and temporary status inhibits greater investment in their trading activities in South Africa. Better that the department of trade,

industry and competition should help small South African traders emulate their peers from the Horn of Africa than that they should be viewed as enemies.

So my proposal is not liberalisation of the labour market for the sake of depressing wages or permitting an unregulated influx of immigrants to the country. On the contrary, it is a proposal for a form of regulation that is more humane and does not undercut the efforts of unions and workers to improve conditions of work, and helps provide affordable goods for hard-pressed South African consumers.

Pie in the sky, you say? Well, a lot less so than the notion that brute violence can be used to segment our region along precisely the same arbitrary lines that colonialism drew. My proposal reduces the administrative burden and is far less vulnerable to corruption than the present system. And it is a whole lot more feasible than constructing impregnable walls and fences on our borders.

The take-home for the government and those contesting the coming elections is this: don't be dragged into the sewers by people like Gayton McKenzie and Ramathuba, or foaming populists like Herman Mashaba or the Musina official who recently referred to immigrants as cockroaches (now where have we heard that before?) who should be sprayed with Doom.

If we apply the principles of the constitution and human decency we will all benefit, citizens and immigrants alike.

This article was first published in Business Day on 7 September 2022.

FURTHER READING

Moyo, K. 2021. South Africa Reckons with its status as a top immigration destination, Apartheid history, and economic challenges. 18 November. Migration Policy Institute. Available at <https://www.migrationpolicy.org/article/south-africa-immigration-destination-history> **NA**