

REIMAGINING MIGRATION IN AFRICA



Democracy Development Program NPC

www.ddp.org.za

Acknowledgements

This publication was produced with the financial support of the European Union and Konrad Adenauer Stiftung (KAS).

Its contents are the sole responsibility of DDP and do not necessarily reflect the views of the European Union and KAS.



Preface

For twenty-seven years after the dawn of our democracy, xenophobic violence has become a constant aspect of the South African landscape. Buried beneath the ‘miracle’ of the ‘rainbow nation’ is simmering relational tensions between local South African hosts and African migrants. The violence directed against African migrants (legal and illegal, documented, and undocumented, refugees, asylum seekers and migrants) has continued over the years, with a minimal reprieve from the government. It is predictable that unless something drastic is done in terms of addressing the key drivers of tensions, such as social, economic, spatial, and income inequalities, sporadic episodes of xenophobic violence will continue recurring in various parts of the country.

Since the structural conditions of most local communities have worsened over time, the situation continues to create ripe conditions for xenophobic outbursts. Over the last decade, civil society has been at the forefront of advocacy efforts, calling for peaceful co-existence between the two groups and for better migration policies that facilitate meaningful integration of African migrants into local communities. The sector continues to play a mediatory role, using a plethora of mechanisms such as convening inter-ethnic dialogues, conflict resolution workshops as well as skills and information-sharing interventions among other advocacy efforts, to promote peaceful co-existence between African migrants and their South African local hosts in communities.

The DDP Migration Project seeks to mobilise civil society to change the narrative about migration and migrants in KwaZulu-Natal. As an organisation, we are of the view that a capacitated civil society is an important advocate for peaceful co-existence between African migrants and their local South African hosts. The content in this manual has been thoroughly researched to provide tools critical for promoting social cohesion in the province and society in general.

Together, we can all join efforts in co-creating a peaceful society where every individual matters, and is respected irrespective of their ethnicity, nationality, race, colour or religion, as enshrined in the Constitution of the Republic of South Africa and the Bill of Rights. Let us build together!

Yours in solidarity,

Dr Paul Kariuki

Statement of Purpose

To ensure that CSOs/CBOs engaged with migrants and working against xenophobia in marginalised communities of KwaZulu-Natal are capacitated and provided with skills to intensify their networks and gain expertise in community dialogues and advocacy activities.





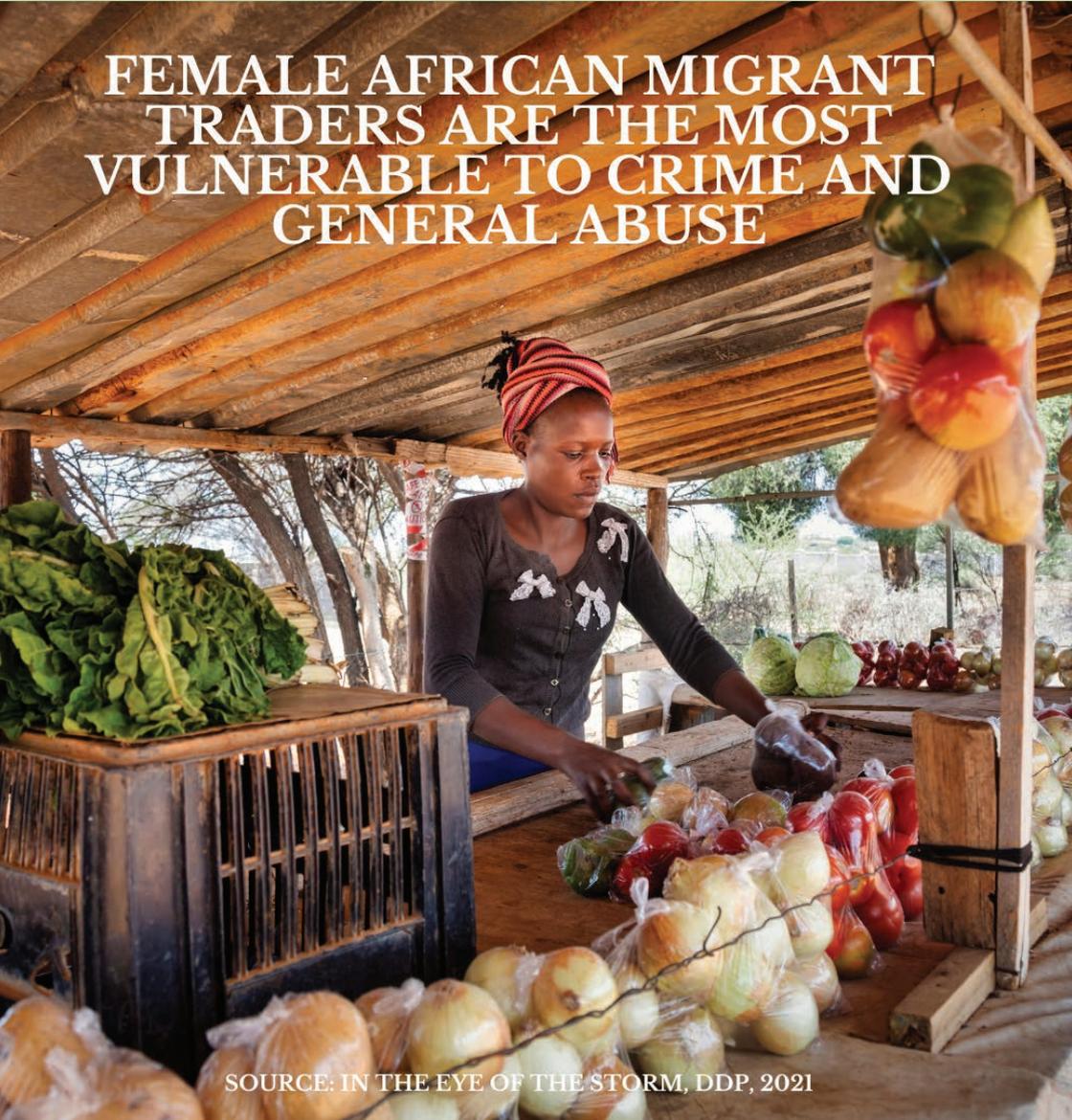
Table of Contents

Reimagining Migration in Africa

Defend and Protect the Human Rights of Migrants!	5
Obligations of non-nationals upon arriving in South Africa	6
No Human Being is Illegal	7
NO to xenophobia	8
Migration and Employment – HELP! THEY ARE STEALING OUR JOBS	10
Seeking asylum is not illegal, it is a fundamental human right!	11
Integration – whose responsibility is it?	12
Different types of Migrants	13
Afrophobia – The Africa we want has no place for Xenophobia	14
Words we need to stop using – words are powerful	15



FEMALE AFRICAN MIGRANT TRADERS ARE THE MOST VULNERABLE TO CRIME AND GENERAL ABUSE



SOURCE: IN THE EYE OF THE STORM, DDP, 2021

Reimagining Migration in Africa

Defend and Protect the Human Rights of Migrants!

The Constitution of the Republic of South Africa (1996) protects the rights of ALL people in South Africa including non-nationals. Section 9 of the constitution prohibits discrimination against anyone on one or more grounds including amongst others, race, colour, ethnic or social origin and birth. Moreover, South Africa is party to several international treaties that compel it to advocate and preserve the HUMAN RIGHTS of everyone residing in the country.

The Constitution states:

- ❖ Everyone has a **RIGHT** to **LIFE**. This means no-one's life in this country should be taken including the life of **ALL MIGRANTS**.
- ❖ Everyone, whether a citizen or not, is **EQUAL** before the **LAW** and has equal **PROTECTION** and **BENEFIT** of the **LAW**. – The state and the people may not **UNFAIRLY DISCRIMINATE** directly or indirectly against **ANYONE**.
- ❖ Everyone's **RIGHT** to **DIGNITY** is inherent and it **MUST** be **RESPECTED** and **PROTECTED**.
- ❖ **NO-ONE** should be deprived of their **FREEDOM** (religion, belief, opinion, trade, occupation, movement and residence) and **SECURITY**.
- ❖ **ALL CHILDREN**, including those born of parents who are immigrants, have the **RIGHT** to a **NAME**, **NATIONALITY** and **EDUCATION**.

Let us **RESPECT** and **PRESERVE** our **CONSTITUTION** by enjoying our **HUMAN RIGHTS** and allowing **EVERYONE** from the **DIASPORA** to enjoy their **HUMAN RIGHTS**.

THESE RIGHTS MEAN NO ONE IS LEFT BEHIND! IMMIGRANT RIGHTS SHOULD NEVER BE CONSIDERED SEPARATE FROM THE OVERALL RIGHTS OF PERSONS BORN IN SOUTH AFRICA.



Obligations of non-nationals upon arriving in South Africa

This is according to Home Affairs' new immigration regulations.

According to Home Affairs if entering South Africa, one must:

- a. Provide residential address of the place one intends to stay at while they are in the country and undertake to report any change to their address.
- b. Provide proof of settlement.
- c. Subject themselves to biometric verification prior to admission into the country and upon departure.
- d. An immigration officer shall ensure that the person is not a fugitive or subject to a court order that should prevent their departure.
- e. When travelling with a child one must provide an unabridged birth certificate of the child.
- f. Be returned back or refused entry if it is confirmed that their documentation is fraudulent or have given false information to an immigration officer.
- g. An applicant who applies for a permanent residence must submit proof of work visa for a continuous period of five years.
- h. Must satisfy an immigration officer that they are not illegally in the country by providing valid documentation, they are not a previously prohibited person and has not been declared an undesirable person.

ALL PERSONS ENTERING THE REPUBLIC OF SOUTH AFRICA ARE EXPECTED TO RESPECT AND COMPLY WITH ALL ITS LAWS!



No Human Being is Illegal

How can human beings be illegal? The term illegal immigrant dehumanises and criminalises people who have been denied the opportunity to obtain authorisation. When we refer to other people as illegal, we are using a state that is beyond their control as a permanent aspect of who they are.

Referring to people as illegal is problematic because:

- The term 'illegal' is used as an adjective in this case, which is grammatically incorrect.
- Crossing the border without permission does not make a person necessarily an illegal immigrant, however, they may cross the border and apply for proper documentations.



Migrants and refugees may be without updated paperwork because:

- The system may be delaying approving the initial visas application.
- Expired visas, therefore, they stay waiting for their visas to be approved again.
- Delays within the system in issuing renewed visas.
- They have illegally crossed the border but are still working on the process of obtaining the necessary authorisation.
- They have illegally crossed the border and have no intentions of being authorised.

Moreover, the term undocumented immigrant is also inaccurate as people may stay in the country without legal permission, yet have numerous identification documents such as birth certificates, passports and consular documents.

Acceptable and humanising words are irregular migrant and unauthorised migrant. Unlike the other term, these terms do not have a criminalising tone, they speak to the permission to stay and the status of the said person in the country. These terms also refer to people's behaviours as opposed to labelling them by their behaviours.

Words matter because they give power to dehumanise people, and this has given us the justification to abuse and violate migrants, refugees and asylum seekers, with no consequences. Conversely, words matter as they give power to respect and be kind to others.

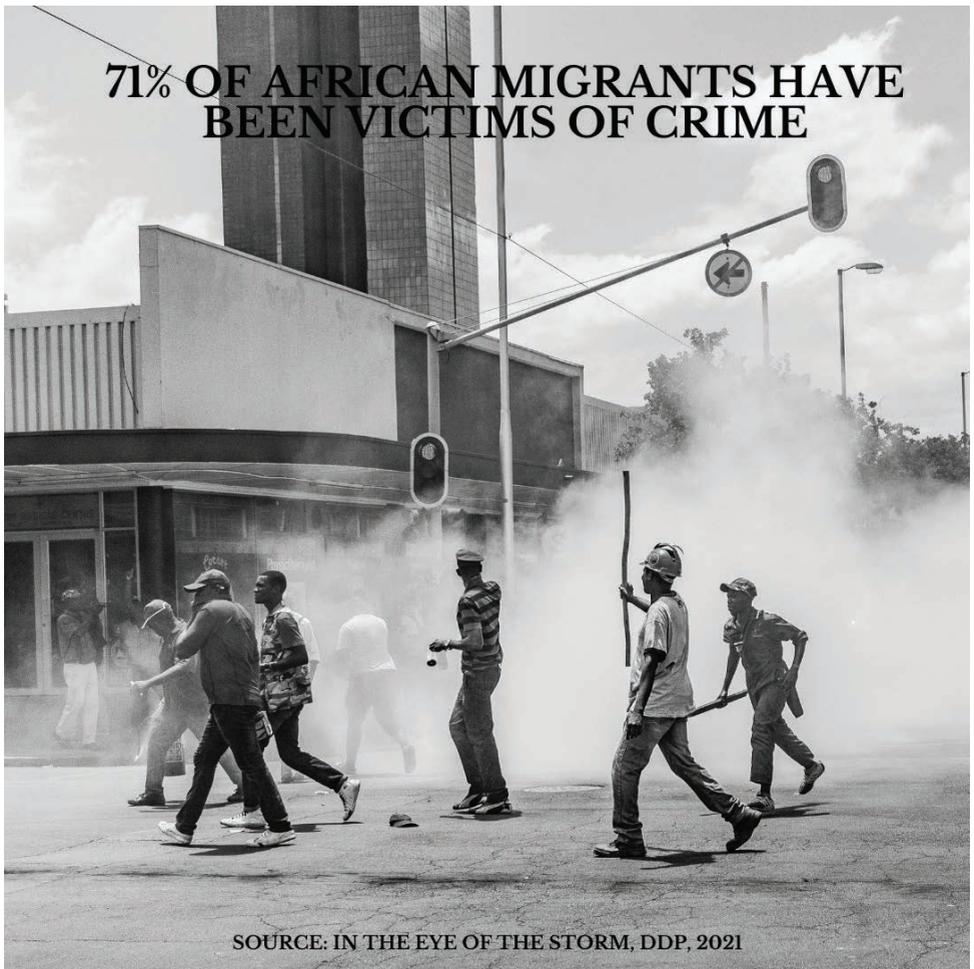
ILLEGAL IS AN ACTION, NOT A PERSON

NO to xenophobia

Judging, discriminating, ill-treating, disliking of other people because they were not born in our country, South Africa, is xenophobic and it is WRONG.

Xenophobia includes:

- Looting of shops owned by African migrants
- Burning down of shops and businesses owned by African migrants
- Physical and verbal attacks of African brothers (by locals) and sisters based on being non-nationals
- Constant harassment by the police, by confiscating migrant stocks without reason
- 'Buying' by taking African migrant goods and refusing to pay for them



- Blaming African migrants for all societal ills in our city and our country, South Africa
- Killing of African brothers and sisters because they are migrants and refugees
- Calling African migrants with derogatory names like 'amakwere-kwere'

The impact of xenophobia

- **Destruction of the country's infrastructure:** There is often a cry of limited resources in South Africa, burning and destroying of African migrant owned shops feeds on that – the construction of destroyed property needs funds and often those could have been allocated to other problems.
- **Destruction of relation social relationships between locals and migrants:** The focus should be of integrating African migrants and refugees into communities so that there can be productive and harmonious relations between the two groups.
- **Harming of potential business opportunities:** We all want to grow and do better in life, change is doable with the help of others. Xenophobia robs both locals and migrants of a better life by doing more as a collective.
- **Xenophobia can make it difficult for African migrants and refugees to access health care** – untreated infections and diseases are most likely to spread, thus infecting and affecting the whole community.
- **Mental wellness is crucial** for a functional society, xenophobic attacks and attacks migrants' psychological functioning, but it also is not a good feeling to have for those deciding to hate.
- **Diplomatic ties** between South African and other African countries get strained.

How can we fight xenophobia?

- Celebrate the fact that we are all humans although we are different
- Teach our children about empathy and kindness, including for migrants and refugees
- Get involved with civil society in your area that deal with social cohesion and migrants
- Teach and correct your circle if they say wrong and negative things about migrants
- Through Friendship and companionship.
- Social and emotional support.
- Respect
- Get informed about migration and learn from migrants
- Give someone help through opportunities.
- Help people integrate by teaching them the language and way of life in your community.
- Ubuntu – I am because you are!

**XENOPHOBIA HURTS US ALL AND WE ALL HAVE
A ROLE TO PLAY IN ENDING IT!**

LET US FIGHT XENOPHOBIA



Migration and Employment – HELP! THEY ARE STEALING OUR JOBS

Do African migrants steal our jobs?

Research shows that immigration does affect the labour market, however, the impact significantly depends on the skills of migrants, those of the existing workers and the characteristics of the host country economy.

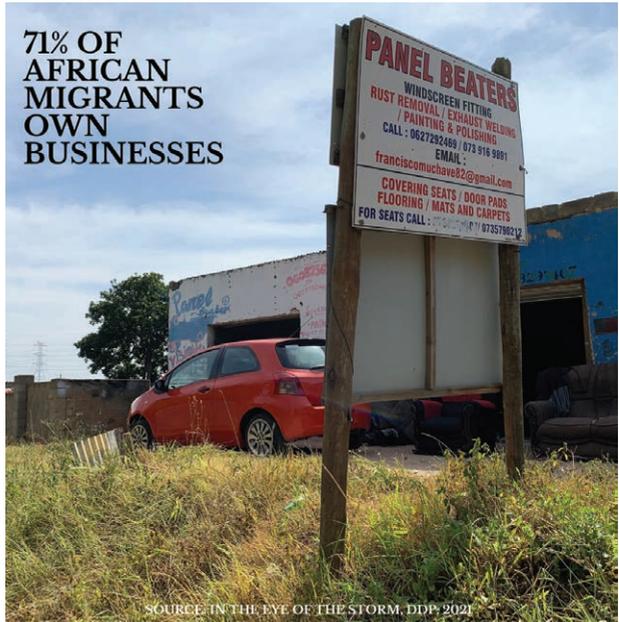
Result of immigration:

The labour pool increases in certain sectors, and this is likely to expand the consumer demand and supply, increase competition for existing jobs in certain sectors and create new jobs.

South Africa has a mixed economy, this means there is private freedom combined with centralised economic planning and government regulation. The government allows for informal economy. The private companies also have the freedom to hire anyone they want including migrants.

Immigration has seen the rise of cheap labour which undoubtedly is not a good thing for the growth of South Africa's labour market. However, businesses choose to hire immigrants because they want to continue paying them small wages and working them without recourse. African migrants are just as vulnerable and desperate for means to make a living, so they are more inclined to work for close to nothing.

Fact: Nobody employs themselves; the employer makes that decision, whether or not (rightly or wrongly) the employer follows the Department of Labour regulations. The host communities cannot call the exploitation of immigrants 'stealing of jobs'. Our anger is misplaced if we are angry at the ones being exploited.



SOURCE: IN THE EYE OF THE STORM, DDP, 2021

**WE SHOULD UNITE AS A PEOPLE IN FIGHTING THE
EXPLOITATIVE LABOUR SYSTEM.**

Seeking asylum is not illegal, it is a fundamental human right!

According to the United Nations Refugee Agency, about 82.4 million people have been forcibly displaced globally. This has been largely due to different types of abuses, WAR and climate change.

ALL these people need our help! We ALL have a role to play in ensuring their survival and safety.

1. We should ALL stay INFORMED to best understand what is happening in our regions of the African continent and globally. This has a potential to help us see people seeking asylum in our country.
2. We should ALL fight to protect the human rights of ALL people.
3. We should ALL PROTECT those who cannot protect themselves. Immigrant children and women are the most vulnerable.



Refugees and asylum seekers can be one of the most productive members of our society, they just need protection and opportunities. They are also one of the most vulnerable groups.

WHILST THOSE WHO HAVE INFLUENCE AND POWER TO RESTORE PEACE IN OUR REGION ARE WORKING TOWARDS RESTORATION, WE SHOULD ALSO PLAY OUR PART IN OUR COMMUNITIES BY TREATING MIGRANT CHILDREN, MIGRANT WOMEN AND MEN IN THE MOST HUMANLY WAY.

Integration- whose responsibility is it?

Migrant integration is a process by which migrants become a part of the community or society. Integration is a two-way process that needs migrants and host communities to adapt to each other. Moreover, it involves the consideration of the rights and responsibilities of migrants and their host communities, access to services, access to labour market and of identification and respect of core-values and principles that may bind the community.

Ways to best facilitate integration

- Attendance of Community social activities for social inclusion
- Consistent community engagements to talk about community issues.
- The structures in the Councillors' offices to introduce migrants to the community.
- Induct migrants on community values and norms.
- Migrants take initiative in integrating into the community.
- Normal conversation starters like, 'ikuphi inkaba yakho?' in order to better know each other.
- Understanding that conflict is inevitable, but we need to find ways to manage it better.
- Actively counter xenophobia and promote mutual understanding



SUCCESSFUL INTEGRATION BUILDS COMMUNITIES THAT ARE STRONGER ECONOMICALLY AND MORE INCLUSIVE SOCIALLY AND CULTURALLY. THE MOST SIGNIFICANT BENEFIT OF EFFECTIVE IMMIGRANT INTEGRATION IS KEEPING COMMUNITIES HEALTHY AND SAVING LIVES OF MIGRANTS BY FIGHTING STEREOTYPES.

Different types of Migrants

It is important to know the different types of migrants in order to better understand why people leave their countries and start new lives in a foreign land.

1. **Refugee** – this is a person who has fled their country of origin because they are at risk of serious human rights violations and persecution. These people do not have any other choice but to seek safety and protection outside of their country because their own government pose a danger to them. ALL refugees have a right to international protection.
2. **Asylum-seekers** – an asylum-seeker is a person who has fled their country of origin in sought for protection against prosecution, wars and other serious human-rights violations. These people are called asylum-seekers because they have not been legal recognised as a refugee and they are awaiting a decision on their asylum claim. EVERYONE is allowed to seek protection in another country.
3. **Migrants** – are neither refugees nor asylum-seekers. These are people who have left their place of origin (in this case, their home country) because of work, to study, to join family or because they want a fresh start in another place. Even though migrants are not in danger or are not fleeing wars and prosecution, they are still entitled to have all their human rights protected and respected.

GOVERNMENTS MUST PROTECT ALL MIGRANTS FROM RACISM, XENOPHOBIA, HOMOPHOBIA, EXPLOITATION AND FORCED LABOUR.



Afrophobia – The Africa we want has no place for Xenophobia

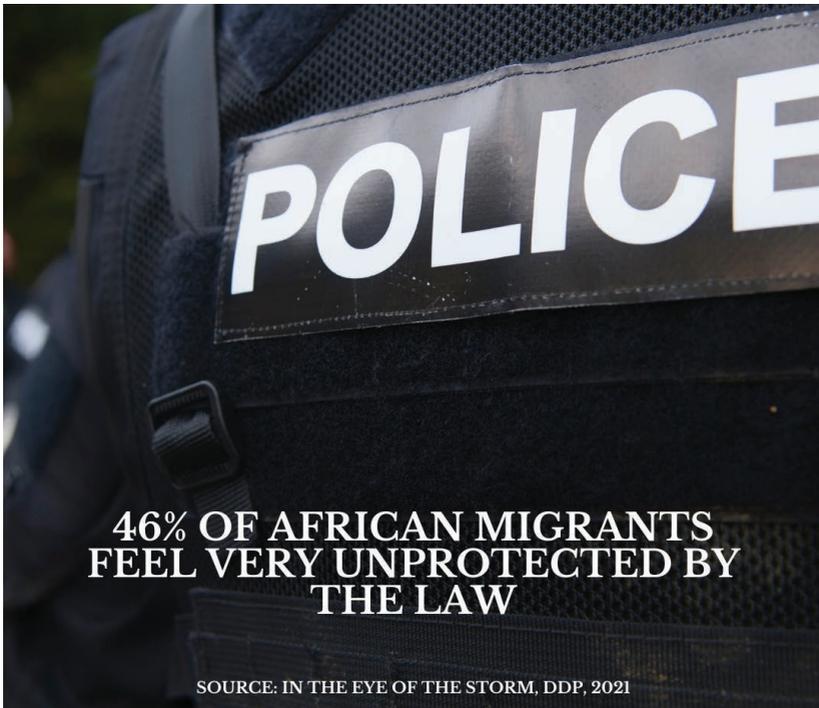
Afrophobia is a term used to refer to negative attitudes, feelings and actions towards black people who are of African descent. This is an exclusive discrimination and irritational fear of migrants based on their skin colour and their country of origin.

Over the years, the rise of Afrophobia has been observed in South Africa. The attacks on African migrants have been seen as having nothing to do with xenophobia as the attacks have been primarily aimed at one specific groups of migrants – those who are from African countries. This is because the South African country also has other immigrants from the European or Asian continent, yet they do not experience much discrimination because of their country of origin.

Afrophobic attacks are criminal and a violation of human rights, and it is everyone's responsibility to positively influence their immediate space – Lapho ukhona (where you are), make a change.

Our African bothers and sisters need a safe space in us and our communities. They have endured hardships and abuse in their countries, we need to protect them.

THE AFRICA WE WANT IS A CONTINENT OF TOLERANCE, ACCEPTANCE AND RESPECT FOR ALL BROTHERS AND SISTERS OF THE AFRICAN SOIL



Words we need to stop using – words are powerful

Words have an effect on how we interact with people and how decisions are taken. They have the power to inspire, build and destroy people and situations.

Words are powerful and the strongest form of communication, they allow us to express ourselves and have the power to assign identity to people.

For these reasons, there are words we need to stop using when referring to migrants as they have resulted in othering and self-othering, labelling and dehumanising African migrants.

Some of those words are:

- Ikwerekwere
- OSbari
- My Friend
- Abantu bokufika.

The best practice, for social-cohesion, integration and inclusion is to know people's names and so we can use them.









32 Dullah Omar Lane, DDP House, 2nd Floor, Durban 4001

PO Box 11376, Marine Parade, Durban 4056

T: +27 31 304 9305

E: info@ddp.org.za

W: www.ddp.org.za

