

MIGRATION POLICY IMPLEMENTATION AND ITS POLITICS IN SOUTH AFRICA

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Abstract

Globally, migration is to a certain degree an important and highly debated political topic among scholars because of its peculiarity to human movement and relationship between states. Migration is fundamental to liberal democracies and a function of the international system of states. Following the demise of the apartheid system and the adoption of inclusive governance in South Africa in 1994, the country has continued to witness an influx of migrants. However, the call for the deportation and rejection of migrants amongst South Africans has continued to increase with black foreign nationals at the receiving end, sometimes openly or clandestinely done by government officials. Using a qualitative research method, underpinned by the following questions (i) Is South Africa playing politics with its migration policies, while surreptitiously legalizing xenophobia? (ii) Can well-managed migration policies allay the fears of foreign nationals, particularly the blacks in South Africa? (iii) What effects would anti-immigrants' laws and attitudes have on South Africa's relations with other [African] countries? The paper argued that South Africa's preoccupation with restrictionism policies, driven by xenophobia and political interest, seems to have compromised inroads for immigrants that are very important to its economic growth, concluding that unless the rhetoric of a perceived socio-economic threat, posed by migrants, is countered effectively, South Africa's economies stand to lose out substantially from the implementation of anti-immigration policies.

Keywords: Migration, xenophobia, security, development, South Africa, Africa, globalization, migrants, policies.

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1. Introduction

Following the demise of the apartheid system and the adoption of inclusive governance in South Africa in 1994, the country has continued to witness an influx of migrants into the state. However, the call for the deportation and rejection of migrants amongst South Africans has continued to increase with black migrants at the receiving end of attacks, sometimes openly or clandestinely done by government officials. This has attracted public critique of experts in migration such that South Africa has been labelled as anti-immigrant.

It should however be noted, that immigration is fundamental to liberal democracies, and it will continue to increase. Hollifield noted that the rise in immigration is a function of the economic forces of push and pull, and these economic and sociological forces necessitate the conditions for migration, which may be legal and political [1]. It therefore means that states must be willing to accept immigration and grant rights to legal outsiders.

Globally, and among scholars, migration is to a certain degree an important and highly debated political topic because of its peculiarity to human movement vis-à-vis the relationship between states. Almost every aspect of the society, culture, economy, politics, and educational system is changing because of migration.

Fundamentally, in nature and to a certain extent, migration in the real sense of international relation is political. Migration is political, considering that it involves the contestation of entitlements to and for, as well as obligations between competing states and their socio-economic interests [2]. Migration is international in as much as it involves transboundary movement of human, goods, and services. Migration is associated with the movement of people in between two or more states where migrants want little more than to make better lives for themselves. International migration is associated with states' essential security and economic interests, hence the increasing cooperation and competitions to attract migrants is considered to be desirable, while excluding migrants is considered to be undesirable to their socio-economic settings [3].

What the above portends to mean is that migration is itself a function of the international system of states, and without states, there are no borders to cross. Debatably, at the heart of the politics of migration is the crossing of borders, hence the question is who crosses, how, where, and why? Heather holds the view that these are the operational issues at the heart of policy making, debates, and practices around migration. While placing the state at the heart of the ability to control borders, which is fundamental to the questions of state sovereignty cum actions in respect of regulation of migration laws and policies [4].

This study is underpinned by the following questions (i) Is South Africa playing politics with its migration policies, while surreptitiously legalizing xenophobia? (ii) Can well-managed migration policies allay the fears of foreign nationals, particularly the blacks in South Africa? (iii) What effects would anti-immigrants' laws and attitudes have on South Africa's relations with other [African] countries?

This work aims to accentuate that policymakers in South Africa are often overwhelmed by the associated socio-economic pressures and seem to have lost a clear direction and effective answers to the growing expectations of South Africans for service deliveries, employment, and other socio-economic opportunities that promote improved quality life. Hence using the [black] migrants as the proverbial scapegoat that bears the brunt of misgovernance and lack of political will through the instrument of immigration policies as a cover-up for their failure.

2. Materials and Methods

This work adopted a qualitative research method. Generally, qualitative research follows a constructivist view of the world, one that suggests that reality is in the eye of the beholder [5]. It therefore means that the work relies solely on secondary sources, such as books, journals, on-line sources, and media reports. The work used content analysis, by looking at the various themes, which arose from the study. A qualitative content analysis is arguably one of the most dominant approaches to qualitative analysis of documents, which allows authors to search-out for the underlying themes in the materials being analyzed [6].

3. Result

3. 1. Literature/Theoretical explanation of migration

Geographic cleavages have continued to grow across the globe because of migration. The Oxford Advanced Learners Dictionary defines migration as the movement of people to a new country to find work or better living conditions [7]. Thus, a migrant is seen as a person that has moved from one territorial boundary to another with the intention of settling there for a long period of time [8]. From the foregoing, it means that migration could take place at international or cross-border level, it could as well be intra-national, intra-border, where people move from one state/province to another in search for a better condition of living.

Song posits that international migration involves both exit (emigration) and entry (immigration) [9]. However, public debate in liberal democracies has focused mostly on immigration, which is often framed in binary terms, meaning that you either support it or not. Nevertheless, the subject of migration has raised the important and challenging normative questions of the legitimacy of state power, the boundaries of political membership, and justice within and across state borders.

Walzer notes that the right of a country to restrict entry migrants does not imply a right to restrict emigration [10]. By implication, controlling immigration is obligatory to defend the autonomy and well-being, the politics and culture of a group of people that are committed to one another and to their common socio-economic life, but controlling emigration entails forcing people who no longer wish to be members of such a state to remain within the boundary of the state. Thus, countries are like clubs with standard rules of admission to control who can become a member, but they cannot prevent members of the club from leaving [9]. By implication, that states, like clubs, have a right to control immigration, but is not to say anything goes.

Obviously, the mass movement of people has always had unpredictable effect on international relations. Which is why believe that states are bound by the principle of mutual aid [10]. Although, cross-boundary and international movements of immigrants have always occurred, but

recent migration has been perceived to be a challenging phenomenon in that it encroaches on the national security, social order, and economic stability. Empirically, migration has been associated with incidents, such as war, communal conflict, ethnic cleansing, genocide, and economic recession [11].

However, the chronic structural problems, associated with the “developing” countries, particularly African states, seems to have engendered mass displacement of people, giving the relentless population explosion in the seemingly developing world vis-à-vis the threat it poses to the integrity of national borders and by extension its threat to the socio-economic and political stability of the state system. Hence the assertion that the management of flows of people across state borders is as important to contemporary states as the management of violence or trade [1].

Central to the concept migration is the idea of the liberal paradox where states on the one hand, must respond to the economic logic of free market, which encourages trade and the free flows of goods and services across state borders, but it’s political and legal logics are of territorial and juridical closure on the other hand [12]. Hollifield believes this has eventually led to a rigidity in migration policies where states have been forced to seek for the balance of the logic between market liberalization and that of rights [1].

By interpretation, while the political logic of democratization is pushing for immigration policies that promote some level of restrictions, the economic logic of global market liberalization on the other hand pushes for states’ openness in immigration policies. Hence the argument that the rise of an international human rights regime and the activism of national courts, characterized by liberal democracies, have somewhat limit the power of states to curtail the rights of migrants [13, 14].

The existing reviews of immigration policy theories suggest four primary determinants of immigration policy: (1) the role of socio-economic interests at the domestic level, operating via interest groups and public opinion; (2) the role of national identity (3) the importance of foreign policy and security; and (4) the impact of international norms on national policy making [12, 15].

At the level of the role of socio-economic interests at the domestic level, were those, which account for economic interests and the state of the economy. Explaining immigration control policy, Zogata-Kusz is of the opinion that immigrants are treated as economic actors who affect other economic actors [particularly, the economic actors of the host country] thus, the policy is a result of the clash of various groups’ economic interests [15].

Within the group economic actors, Marxism and then Neo-Marxism occupy a space where the Marxists believe that a crucial element, accounting for the shape of immigration policy in every state, is economic factors and the political process that drives the economy though founded on class relations. To Meyers, Marxism focuses on labor migration, in this approach, short-term immigration policy is a response to fluctuations in the economic cycle and to changes in unemployment rates with the immigrants taking over the lowest positions in terms of job placement and the nationals taking the higher ones [16]. But this is having a negative effect on the working positions of nationals of the host country because less and less nationals are believed to be losing their jobs to immigrants who are willing to subscribe to low paid jobs and consequently less and less of them consider themselves members of the working class.

Other perspectives, which focus on the role of economic interests in the formation of immigration policy, agree with Marxism that immigration policy is directly connected to the state of the economy where economic prosperity result to a higher number of immigrants being accepted, whereas economic stagnation may overtly contribute to a restriction of the policy.

The regulation of immigration policy (ies) through the preferences of different economic actors in the receiving country anticipates that immigrants can endanger the economic well-being of the domestic population where the employers and labor unions are always in conflict because the employers are generally believed to be the one that benefit most from immigration, notwithstanding the fact that their actual gains can vary, depending on market changes [15]. To the labor unions, and as the representatives of the locals, it is mostly underlined that they will always oppose immigration because it can harm domestic workers’ wages and working conditions.

Another approach to explaining what determine the immigration of a state is its relation to socio-economic matters, considered to be relevant to national identity [15]. Advocates of this strand of immigration policy elucidate that the form that the immigration policy of a particular state is of-

ten defined by its culture, history, traditions, and its colonial past makes the basis for the formation of national identity. An experience that is peculiar to South Africa where national tradition of the colonial past is considered a fundamental factor that impacts the level of tolerance towards African immigrants. Apart from the believe that immigrants may likely undermine the essential features of South Africa's identity. Hence the argument over who gets what, when, and how with reference to employment opportunities in the former apartheid enclave, which have relatively shape its immigration control policies.

Zogata-Kuszbelieves that the theorists of international relations did not deal with immigration issues for a long time, until the mid-and late 1990s because migration was considered low politics and thus was not examined by academics, who were to some extent concerned with high politics which is related to the questions of national security and foreign policy [15]. Hollifield holds the view that international migration gains some space within the field of international relations with the wave of international migration in the earlier 1990s, with the emergence of a new generation of international migration scholars, whose work examines the trajectory of state security and sovereignty, thus questioning the main of concern of the realists and neorealists [17].

From the realist school of thought, the state plays the role of a guardian and the protector of the national interest [which is those things that are essential to the survival and well-being of a state as a whole] and security within the international community. Fundamentally, it is the responsibility of a state to make every effort to protect its autonomy and most importantly increase its power, potential, and relevance within the committee of nations. The crucial political issues at the heart of the realists' interest are potential conflicts among states, thus from the realist approach, these conflicts and questions of security are the main determinant of a state's immigration policy [15]. For example, it could be argued, that South Africa's willingness to accept asylum seekers from other African states after the demise of the obnoxious apartheid system was born from the magnanimity of other African countries that assisted South Africa to fight the apartheid government, thus demonstrating its ideological positions, trying to emphasize and safeguard its international image as a true democratic country.

Linking immigration and security, the neorealists opined that immigration is capable of destabilizing societies and regimes particularly in developing countries. Buttressing this statement, Weiner argues that the reason for such can result from the fear of foreign nationals, which may not be totally a question of xenophobia, but perceived as socio-economic and cultural threats that may negatively affect the acceptability of immigrants. Hence migration as an economic threat that may structurally change societies with many haves at the top of the ladder and the have nots, remaining at the bottom of the ladder [18].

A convincing argument on the three principles that form the basis of the anti-immigrant arguments was offered by Tsoukala. Clarifying these principles, he believes that value is placed on socio-economic development where the rise in unemployment, crime, inequality, and poverty has always been the leeway to social unrest and the insecurity of the immigrants [19]. In a narrow sense, the insecurity of the receiving state [like South Africa] is perceived to be at a stake where [undocumented] immigrants are seen as committing petty to organized crime. This eventually gives rise to the increase of identity politics, forcing the receiving state, to believe that immigrants are a threat to the demographic balance of the receiving state.

What this translates to mean is that immigration can be seen as a subject of securitization, and using security approach, the states and societies see immigrants as carriers of threats to the safety of the indigenes. Thus, state usually takes into consideration the threats that foreigners may likely bring, while deciding about the number, type, and level of similarity of immigrants to be accepted [15]. Hence, the statement that migrants are inherently predisposed to commit crime. They plot to exploit gaps in labor and welfare structures at the expense of the host society. Safeguarding the host country's national interests against outsiders is overtly or covertly just and right and does not seemingly make the receiving country racists or xenophobes. This is the reason why discussion about migration often and naturally spills over into questions about security, and vice versa [20].

To Balzacq, for securitizing immigration policies moves to gain audience acceptance, the words of the state actor need to resonate with the context, within which his/her actions are collo-

cated, and policies must be made at a time when the environment is most receptive [21]. The securitization of migration and the rise of xenophobia in South Africa to some extent can be attributed to the element of surprise. Arguably, the state and the society were not prepared for the influx of migrants to South Africa, following the ascendancy of inclusive governance in 1994, hence the feeling of loss of security. The reason why the political and security actors often use migrants as scapegoats for various socio-economic problems, while diverting the attention of citizens from their failures and inadequacies and at the same time create a space for socio-economic threat and siege, which served as a subtle form of control and conciliation.

Approaches to immigration policy with focus on domestic politics and interest groups by the receiving country may to a certain degree shape the immigration policy in different countries [16]. Thus, bringing in the international dimension where the question of foreign policy considerations, which certainly play a vital role in the formulation of immigration policy, is brought to the table. For example, in a situation where a state, aimed at limiting the immigration pressure, may introduce some sets of restrictions, which may ultimately put pressure on the immigration policy of its neighboring countries, thus, forcing the neighboring countries to introduce similar restrictions to manage the inflow of migrants.

As far as this approach is concerned within the international system, the possible effects of such migration policy underestimate its effects on internal factors vis-à-vis domestic policy formation. Thus, pushing the activities of domestic actors or state institutions, together with factors that are different from international or transnational pressures or processes aside. Regarding the realists and neorealists, their concepts of the national interest and the state as a rational actor, could be questioned regarding the case of immigration policy [15].

South Africa for close to three decades has been a democratic state. The former apartheid enclave no doubt is a destination for African immigrants. This work believes that South Africa's migration position has been studied in various forms, but its policies, in particular, the politics behind its migration policies to a certain extent have not been a subject of academic investigation.

3. 2. Migration policies or politics vis-à-vis the position of African migrants in South Africa

Immediately I finished my PhD in 2013, I submitted application for a Critical Skill Work Permit with the aim of giving back to the community where I was trained (my school fees of close to R130,000.00 was paid by the research foundation in the school where I obtained my PhD). For more than three months, I did not receive any feedback on my application. I was already thinking of going back to my country, believing that I have nothing to lose since I already have my PhD, but giving it a second thought I sent an email to the then Director General of the Department of Home Affairs, explaining myself that I was trained by South Africa, and I would love to give back to the country, hence the reason why I submitted application for a Critical Skill Work Permit. Whether the D G intervened or not I don't know but within a space of two weeks I got my permit. I have since been working [legally] in South Africa. It is my joy that I have been able to contribute my quota to the development of the country.

Above is the experience of a Senior Lecturer in one of the South African Universities. This experience somewhat questions the position of African migrants in South Africa vis-à-vis migration policies in the former apartheid enclave. When the Freedom Charter was adopted in 1955, according to Matema, it was a declaration for a free and peaceful society. The charter declared that 'South Africa belongs to all [Black, White, Colored, and migrants] who live in it and was rooted in the spirit of fostering cooperation, peace, and a respect for equal and basic human rights for all people living in the country [22].

It is pertinent to ask the question whether there is a place for the respect of African migrants' human rights. This question is germane, considering the relative long period of inclusive governance in the Rainbow nation, mixed with inadequate migration management policies, which requires an approach that combines different perspectives and countries, taking into consideration the situation of countries, particularly those in the SADC where migration push factors are depleting these countries' workforce in critical areas like health and education, South Africa where pull

factors are met with the xenophobic reaction of local communities is constituting a challenge to a government, faced with many other socio-economic problem [23].

Buttressing the above statement, Matema explain that the migration policy framework in South Africa is guided and influenced by three socio-economic factors. The country inherited a cloistered migration policy framework from the defunct apartheid government that did not accommodate migrants. He noted that prior to the inclusive governance that changed the South Africa's political space in 1994, immigrants of African descent who came to South Africa were not considered immigrants rather they were considered as temporary contract workers. It was only in 1991, that the concept of immigrants was formally acknowledged; and in 1993 migrants were recognized formally in South Africa, thus opening the corridor of integration for migrants into South Africa [22].

During the apartheid era, immigration took place through a two-gate policy, the front gate, and the back gate [24]. The front gate welcomed certain desirable white migrants the apartheid government believed would not constitute a threat to European culture, while the back gate endured the undesirable and often clandestine African migrants for a short and temporary period to satisfy the demand for labor in the mining and agricultural sector [25]. Policing, detention, and deportation at any slight mistake were the primary means of managing back gate immigration.

Secondly, South Africans belief in the philosophy of exceptionalism [that South Africa was different to the rest of Africa, having passed through the horrors of apartheid and successfully transitioned to relatively a stable inclusive democratic governance in 1994 without support of other African states], which informed their anti-foreigner thought and sentiments, with reference to black African migrants [22]. The spate of xenophobic attacks on foreign nationals in 2011, 2015, 2019 has shown that post-apartheid South Africans see African migrants as undesirable and unwanted in the Rainbow nation.

This was reflected in South Africa's national immigration policy. For example, the Refugee Act to replace the Aliens Control Act of 1991, dubbed apartheid last act, which consolidate all previous legislation regarding admission and residence of immigrants, took four years to draft and eight years to negotiate. It was declared unconstitutional in 1996 and subject to review by 2002, nonetheless it remained in place for a decade of democratic rule [25]. By implication, the application of this Act made South Africa to become a more favorable destination for black Africans; thus, enjoying a favorable new status in the new South Africa's democratic state.

Going further, it was believed, that after 1994, there wasn't enough job and welfare for South Africans. Thus, begging the questions, should [black African] migrants be permitted into South Africa, and should their socio-economic rights be protected when the country is failing to provide for its own citizens? [25]. In 2017, the South Africa's GDP growth slumped from 1.3 % to 0.7 % in 2018, while the unemployment rate stood at 29 % in the second quarter of 2019, 32.5 % in the fourth quarter of 2020 and in the fourth quarter of 2021, it crossed the threshold of 35 % to 35.3 % – its highest level since 2008 [25, 26]. It is, therefore, no coincidence that restrictionism in its migration policies cum politics of identity has encouraged xenophobia in its relationship with African migrants.

The migration regime, though often clouded in South African government policy discourse, is significantly important to address the dire state of the South Africa's socio-economic development and its connection with the lives of South Africans. Migration in a globalized and developing economy is unavoidable. Arguably, South Africa would always benefit from skills-driven immigrants who are genuinely and legitimately documented under South Africa's immigration law.

Lennep expresses the opinion that South Africa and its government, as a matter-of-fact, value highly what the skilled and entrepreneurial immigrants, as well as temporary immigrants would contribute to the economic development of the country [25]. By implication societal buy-in to immigration is significantly important, and thus, something that should be of great interest to South Africa's government by galvanizing an active and enforceable agreement that creates, defines, and governs mutual socio-economic obligations between the locals and the immigrants.

Further to this, South Africa's preoccupation with restrictionism policies through the Department of the Home Affairs and driven by xenophobia and political interest, seems to have compromised inroads for immigrants that are very important to its economic growth. Hence the

following questions, do [black African] immigrants take South Africans' jobs? What is the level of crime in South Africa vis-à-vis the immigrants? Do immigrants contribute to the growth of South Africa's economy?

In a research, conducted by Lennep, he contends that public opinion is much in line with South Africa's government policy on immigration and discourse that construct immigrants as scapegoats for high unemployment, crime, but never talk about the contribution of immigrants to the growth of South Africa's economy [25]. A stereotype socio-economic phenomenon that underpins South African's xenophobic behaviors towards the immigrants and is often reiterated by the government, but do [black African] immigrants take South Africans' jobs?

Mutizira comments that ever since 2008, there have been periods of xenophobic violence against black foreign nationals and immigrants in South Africa, where the immigrants are often blamed for high unemployment in the former apartheid enclave [27]. South Africa's position as a regional [and continental] economic powerhouse has made it a major destination country for black immigrants. The OECD/ILO acknowledged that there is no significant negative effect of the presence of immigrant workers on South African-born employment, rather the presence of immigrants who have been in South Africa for some years increases both the employment rate and the incomes of local workers [28]. To Lennep, this is likely a result of the economic growth, associated with immigration, together with the reality that immigrants are more likely to start businesses, which, if successful, increase opportunities for locals, while contributing to the country's economic growth and thus employing South Africans [25]. This suggests that immigrants do not necessarily compete for the same jobs as South Africans. It also suggests that immigrants and locals may hold jobs that complement each other, rather than compete with one another. To a certain extent, this is evidence that there are different categories of work permit that are designed to simplify easy accessibility by South African employers to skilled migrants.

In comparison with a situation without foreign-born workers, the OECD/ILO, using a macroeconomic model, found that high-skilled migrants increase South Africa's GDP by 2.8 % and increase GDP per capita by 2.2 [28]. In terms of employment Lennep contends that high-skilled immigrants raise the number of employed people by 678 000 (462 000 South Africans and 216 000 migrants). In the case of medium-skilled and low-skilled workers, the effects on GDP and employment are greater due to the greater number of workers in these categories, with an income per capita that amounts to 2.8 %. Furthermore, in terms of migrant's contribution to public finance, they have a positive net impact on the South Africa's government's fiscal balance [25]. This is because immigrants pay more income and value added taxes than locals, thus disannulling the assumption that immigrants generate high costs for the public sector without generating similar tax revenues (**Table 1**).

Table 1

Estimates of per capita public expenditure, public revenue and net fiscal contribution by South Africans and migrants in Rand in 2011

Tax generated	South Africans	Migrants
Per capita public expenditure	18 713	16 472
Per capital public revenue	14 317	26 221
Per capita net fiscal contribution	-4 396	9 749

Source: [25]

In overall, immigration generates favorable economic development in South Africa. It shows that immigrants have an upward effect on income per capita and a positive net fiscal contribution, while in general they do not displace native-born workers rather they generate additional employment opportunities for native-born workers [28].

From the above, it is possible to begin to think whether an immigrant with a source of income and a potential contributor to increase in employment of labor will engage in crime. While speaking on the sidelines after presenting the latest provincial crime statistics to the Gauteng Community Safety Committee at the Provincial Legislature in the Johannesburg CBD in 2017, Gauteng

Provincial Police Commissioner Lieutenant-General, Deliwe de Lange said that *about 60 % of suspects, arrested for violent crimes in the province, were illegal immigrants*. This statement echoes the stance of some policymakers' xenophobic sentiments, which at times emerge in the media and elsewhere in South Africa.

Diffusing this statement, Lennep disagrees that evidence for this statement was not produced based on the following: the Commissioner refers to violent crime, nevertheless, crime statistics, released by the South African Police Service (SAPS), do not have a category, called violent crime. As an alternative, SAPS refers to contact crimes, such as murder, attempted murder, sexual assault, aggravated robbery, common robbery, assault with intent to commit grievous bodily harm and common assault. Moreover, SAPS did not release any data on the nationality of the arrested personalities, and neither were they convicted of crime [25]. In response to a parliamentary question in June 2017, the Minister of Justice Correctional Services stated that 11 842 foreign nationals were in prison, of which 1 380 were in prison exclusively by virtue of being illegally present in South Africa [29]. By interpretation, only 6.4 % of people in South African prisons, either convicted or remanded for other crimes at that time, were foreign nationals, which is far below the 7.1 % proportion of the population that they constitute.

A study, conducted in the United States, which has established that immigrants commit crimes at consistently lower rates than native-born Americans, confirm this [30]. Typically, [black] migrants come to South Africa to find work and not to commit crimes. They tend to bring economic and cultural benefits to their host communities, crime is a widely held perception about foreign nationals, but there is no substantiated evidence to support it. In South Africa, immigrants are often constructed as a burden to society with respect to security, jobs, and welfare. Their positive contributions to the fiscus, economic growth and per capita income are understated, however their contribution to crime appears to have been xenophobically exaggerated, while their rights and channels of peaceful integration to the South African society has been eroded by the current immigration regime.

For example, the Department of Home Affairs recently restrictively came up with a clamp on foreign nationals who had studied to PhD level in the country in a government gazette (Immigration Act (13/2002): Critical Skills List 45860), signed on the 2nd of February 2022 by the minister of Home Affairs. Usually, when a foreign national obtained a PhD degree in South Africa, such is allowed to apply for a critical skill work permit and subsequently apply for a Permanent Residency (PR), however, the new regulation says for a foreign national to apply for a PR in the former apartheid enclave, such must have been working for a period of 5 years with his/her critical skill work permit and his/her employer must give him/her a motivation letter in support of his/her application.

The twist to this regulation, which is not visible to the public, is that the South African government through its employment policy has made it extremely difficult for migrants with a PhD to get a job and even a postdoctoral fellowship in some instances. What this portends to mean is that immigrants are no longer welcome notwithstanding the level of their academic qualification because if they cannot get a job, it then become difficult for them to get a PR. However, the South African government is not aware of the enormous of resources that are been wasted because of these policies. For example, a foreign national who studied in South Africa from the undergraduate level up to the PhD level, using South Africa's resources in term of funds, laboratory equipment, university's facilities etc. and at the end of the day is not allowed to work and give back to the South African community, the question that arises is who is at loss? South African government or the migrants who have been trained and can be absorbed anywhere in the world? What effects would anti-immigrants' laws and attitudes have on South Africa's relations with other [African] countries?

3. 3. Anti-immigrants' migration policies; its effect on South Africa's international reputation

In the new democratic South Africa, distrust, denialism, and restrictionism seem to have taken the forefront in its migration policies where the politicians, laypeople, and the media have the

tendency to blame [African] migrants for South Africa's misfortune instead of focusing on how to solve the myriads of socio-economic problems, confronting the people.

As the world gets smaller and economic competition is based more and more on creativity and technological innovation, the place that attracts the world's best minds will have a distinct advantage ... walking through the streets of New York or the malls of Los Angeles, you might find it difficult trying to figure out who is an American or an immigrant. America may not be a melting pot in as much as each immigrant group tries to retain an element of their identity, but in its own often imperfect way, it is a place that is built to encourage, accept, tolerate, and even absorb diversity. A place with roots everywhere has an incredible edge over others in a global economy ... there, you can do business anywhere, and host [migrants] workers from anyplace ... it's also a place that allows individual freedom and creativity. Even if economies are growing faster in other places, freedom and tolerance of diversity will remain a key part of America's appeal [31, 32].

Human movements have always been integral, historically, to quests by all human communities and nations for personal safety and communal security, development, and prosperity. To a large extent people are often pushed away from their home countries by war, famine, insecurity etc. into involuntary decisions to leave their homes to seek for greener pastures [33]. It thus means that factors, such as prospects for better employment, personal safety, better social services, political stability, can pull people to emigrate voluntarily to promising host countries.

Since the world is becoming more smaller due to technological advancement, there have been a significant variety of challenges, such as severe economic ones, unrestrained and frequent climatic changes, institutional realignments, growing human and national security issues, socio-cultural and political conflicts that are often driven by extreme poverty, social exclusions, and gender-based discriminations [33]. As a result of the associated socio-economic and political pressures, there seems to be lack of clear and effective responses from policymakers to ever growing expectations and aggressive demands for service deliveries, good jobs, and other opportunities and quality of life improvements.

In the early days of inclusive governance in South Africa, migrants were warmly welcomed with open arms, however, from 2005 till date the migrants particularly from Africa have been increasingly detested, and clandestinely denied of their rights, forgetting Chapter 1 section 1 (a) of its Constitution, which states that South Africa seeks to create a society where "human dignity, the achievement of equality and the advancement of human rights and freedoms are significantly valued". The same constitution in its chapter two (The Bill of Rights) acknowledges that certain rights must be enjoyed by "everyone". Adetiba expresses the opinion that 'the everyone, referred to in this section of South Africa's constitution, means everyone, including [African] migrants. These rights include right to equality; right to human dignity; right to life, freedom, and security; and right to freedom from slavery or forced labor [34]. Nevertheless, many South Africans and policymakers alike are intolerant of black migrants. What this translates to mean is that dehumanizing black migrants by South Africans is a violation of their fundamental human rights and that the enshrined Bill of Rights in South Africa's constitution is nothing but a sign of insincerity.

Arguably, South Africa is not the only country, trying to address matters relating to immigration sometimes based on some questionable motivations. For example, politicians often make unsubstantiated and inflammatory statements that the surge in migrants is responsible for the increase in crime rate, rising unemployment, or even the spread of diseases. Out of frustration, the former American president (Donald Trump), while responding to a new immigration policy that will involve El Salvador, Haiti and some African states, said 'why are we having all these people from shithole countries come here' [35]. This lends credence to a common psychological trait, shared by humans, that helps to explain why their feelings and decisions are usually less than fully rational, one such is frustration-aggression theory, which argues that individuals and even societies that are frustrated sometimes become aggressive.

In view of this, South African government through the Department of Home Affairs often puts structures in place to enforce immigration laws, while trying to reduce the admission of migrants into the country. These immigration policies no doubt may strain the already battered image of South Africa and its economy. Answering a question on local economic development on ENCA

TV Channel (2022/04/08), the former Leader of South Africa's opposition, Democratic Alliance political party queried, how would destruction of others (illegal and legal migrants') business leads to the creation of jobs? This adds to what another commentator on SABC FM Radio (2022/03/08) said regarding the activities of an organization, Operation Dudula, who went from house to house in some parts of the Gauteng Province of South Africa, asking migrants to produce their residence permits apart from destroying their businesses, that the activities of this organization is an international embarrassment for South Africa as a nation, whose illegal activities can adversely affect the economy of the country if the government refuses to curb them.

From the foregoing, the South Africa's immigration interface has been characterized by an indiscriminate, violent, and xenophobic-driven state cum nationals' approach to immigration, forcing sub-Saharan migrants, adjudged to be in the Republic illegally into miserable living conditions and constant fear of crackdowns by South Africans. Driven by political considerations, South African government and opposition leaders often use migrants as political toys in pursuit of their personal gains or political points scoring. Fundamentally, the vulnerabilities of migrants in South Africa have created scenarios where they are used for simplistic victories by politicians to avoid accountability, apart from using the platform to distract South Africans from noticing the quagmire of the socio-economic challenges, facing the country.

Hollifield in his work titled *The Emerging Migration State* comments that immigration since 1945 has been increasing and fundamental to industrial democracies. Therefore, the rise in immigration across the globe is a function of market forces (demand and supply), otherwise known as pull and push networks, where the transaction costs of moving from one society to another is drastically reduced [1]. These socio-economic forces are the propeller that drives the legal and political conditions for migration to occur. However, states must be willing to accept the migrants and grant them the rights to lead a successful life, while contributing to the economic growth of the host country.

The question that rightly comes to mind is how then should South Africa regulate its migration policies in the face of socio-economic forces that can push the former apartheid enclave towards greater openness, while security concerns even in the face of some powerful political forces that may likely push the state's economy towards closure are addressed? Hollifield opined that, states are trapped in a liberal paradox, and to maintain a competitive advantage over others, the best thing is for governments to keep their economies and societies open to trade, investment, and migration [1]. However, the movement of people involves greater political risks because human beings are not like goods, capital, and services. The key element to regulating migration in South Africa is contained in the Chapter two of its Constitution (The Bill of Rights) where it admits that certain rights must be enjoyed by everyone living in the country as the Rainbow nation strive to maintaining its security, building of trade and investment regimes, as well as openness in its migration regulation policies (MRP). Arguably, this is a very important element to its security and the economic well-being of its citizens.

What this translates to mean is that while trying to regulate and maintain its migration policies, Pretoria must be attentive to the human rights of every individual. South Africa is at the risk of undermining its own legitimacy if the rights of individuals are ignored, which is the most important reason or purpose for the existence of that individual, hence the need for South Africa to find new and creative ways to manage migration flows.

To outsiders, South Africa is perceived to be a country that provides greater socio-economic opportunities for better living conditions than that of other countries in Africa, thus attracting a greater number of migrants to the country [36]. However, the restrictionist posture of South Africa's migration policy has made migrants' life difficult for them, thus considering relocating to more welcoming environments. By implication, the migrants that are leaving are not likely to project a good image of South Africa, thus putting more strain on its relationship with other countries.

South Africa's distrust and pretentious position on the plight of migrants, being targeted and scapegoated for the prevalence of social ills in South Africa, is at the height. According to Mabuza, the South African Human Rights Commission informed that recently various individuals, community leaders and groups have emerged, stoking flames of xenophobia, which places the

blame for social ills, such as crime, poverty, and unemployment solely on migrants living in South Africa [37]. Arguably, the indiscriminate maltreatment and clamping on the free movements of migrants in South Africa is a stain on the national conscience of Pretoria as well as negate regional integration goals of South Africa's Development Community (SADC).

South Africa's constitution is considered to be the most progressive in the world, however, its failure to protect the interest of [black] migrants notwithstanding its signatory to the International Covenant on Civil and Political Rights (1966), which include right of migrants to life; right to freedom from torture and cruel, inhuman and degrading treatment or punishment; right to liberty and security; right to freedom of movement; right to choose one's residence for those lawfully resident within the territory of a state; and the right to protection from arbitrary or unlawful interference, has made the South Africa socio-economic environment very challenging for [black] African migrants. Given this unattractive reality in South Africa's migration policy, covertly or overtly restrictive migration policy has almost become a permanent feature of South Africa's social system.

5. Conclusion

In classical political economy the trajectory of approaches to analyzing different actors, whose interests determine which socio-economic problems are set on the state's agenda and how decisions are taken, is located in the origin of immigration policy within society, which tends to reduce the state to where it's considered a neutral entity, captured by economic and societal interests [12]. It is within the purview of economic and societal interests that made the Marxists to believe that immigration policy stems from the capitalists' interests, by way of the liberal policies that tilt towards low-skilled workers and undocumented migrants who have by way of their migration status caught the attention of employers, whose aim is to increase the pool of dependent and vulnerable migrant workers [38].

This paper has argued that, often overwhelmed by the associated socio-economic and by extension political pressures, policymakers in South Africa seem to have lost a clear direction and effective answers to ever growing expectations of its citizens, coupled with an aggressive demand by their political constituencies for service deliveries, employment, and other socio-economic opportunities that promote improved quality life. Faced with severe economic hardship, many people have had to emigrate, to look for an improved conditions and better fortunes elsewhere, with South Africa serving as the destination of many [black African] migrants. However, the fears of migrants in South Africa have been compounded by ever changing restrictive migration policies in the former apartheid enclave, which in turn has put a strain on its gospel of regional integration and peaceful co-existence within and among Africans. The assumption that migrants in South Africa are responsible for high level of unemployment, crime, and other related socio-economic vices means that Pretoria has a lot to do in providing for its citizens, while promoting the principle of social integration in the country.

This work also believes that the economic impact of migrants in South Africa is positive though cannot be measured separately. To fully feel the positive impacts of migrants on South Africa's economy depends almost on the policies, implemented to ensure that migrants can be productive, and the extent, to which the positive economic consequences of migration are distributed across individuals. Unless the rhetoric of a perceived socio-economic threat, posed by migrants, is countered effectively, South Africa's economies stand to lose out substantially from the implementation of anti-immigration policies.

Conflict of interests

The authors declare that they have no conflicts of interest.

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