Changing migration status and shifting vulnerabilities: A research note on Zimbabwean migrants in South Africa

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Abstract: Drawing on data from a research project among Zimbabwean migrants in South Africa, the author consider here the impact of specific state policies designed to regularize individual immigration status. This discussion arises from a larger qualitative study on cross-border migration and migrant vulnerability among 65 Zimbabweans at three sites namely, the Beitbridge border, Musina town and Johannesburg during the four month period between December 2014 and March 2015.

Keywords: Migration; vulnerability; Zimbabweans

It is a truism that changes in immigration laws and policies can and do have a significant impact on human mobility and on the lives of migrants. Where legislative and policy provisions are designed to create more restrictive immigration regimes, cross-border migrant populations are confronted with measures that seek to curb and at times prohibit their mobility. In this context, individuals seek to protect their migrant livelihoods and in so doing often experience changes in the nature of their immigration status. Drawing on data from a research project among Zimbabwean migrants in South Africa, I consider here the impact of specific state policies designed to regularize individual immigration status. This discussion arises from a larger qualitative study on cross-border migration and migrant vulnerability among 65 Zimbabweans at three sites namely, the Beitbridge border, Musina town and Johannesburg during the four month period between December 2014 and March 2015.

Over the past two decades, migrant populations in South Africa have been exposed to significant changes in the country’s immigration laws and policies. Authors such as Peberdy (1998) and Peberdy and Crush (1998) suggest that as the Aliens Control Amendment Act (1995), passed in the aftermath of South Africa’s first democratic elections in 1994, retained some of the draconian provisions of the Apartheid era’s Aliens Control Act (No. 96 of 1991) it demonstrated a reluctance to accept migrants. At the time, the South African Government’s concern in relation to migration arose from the sense that a deliberate policy to encourage immigration would threaten the interests of the new dispensation (Crush and McDonald, 2001; Crush, Campbell, Green, Nangulah and Simelane, 2006; Segatti, 2012). At the same time, Peberdy (2009) identifies that the immediate post-1994 immigration policies benefitted highly skilled migrants rather than their less skilled counterparts. Subsequent legislation such as

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1 Beitbridge border post refers to the official entry and exit point between Zimbabwe and South Africa.
2 Musina is a South African town situated approximately 17 kilometers from the Beitbridge border.
3 Johannesburg is the largest city in South Africa, situated approximately 521 kilometers from the Beitbridge border post.
4 Twelve migrants were interviewed at the Beitbridge border, of whom, three were women and nine were men. In Musina, 34 migrants were interviewed of whom 19 were women and 15 were men. Finally, 19 migrants were interviewed in Johannesburg of whom six were women and 13 were men. Among the interviewees, four had crossed the border on their own while 61 had used the services of smugglers to enter South Africa. Fifty six respondents were between the ages of 21 and 49 years, seven were in the age group 17 to 20 years and two were above 50 years of age.
the Immigration Act (No. 13 of 2002), as amended by the Immigration Amendment Act (No. 19 of 2004) and the Immigration Amendment Act (No. 3 of 2007), provided for a less restrictive immigration regime. However, in the period since 2007, successive immigration provisions, most especially the Immigration Regulations of 2010 and 2014, suggest that the South African Government has sought once again to create a more restrictive immigration environment. A renewed focus on skilled migration means that South Africa’s increasingly selective immigration policy now excludes significant numbers of migrants. In this respect authors (Nyamnjoh, 2006, 2007; Campbell, 2010; Crush and Frayne, 2010; Landau, 2010; Muzondidya, 2010) note that migrants from African countries seem to be more excluded than those from other parts of the globe. For this reason, Gordon (2011: 51) argues that South African “immigration legislation effectively portrays immigrants, especially immigrants from African countries, as a threat to the economic and social goals of the post-apartheid state”. As a consequence and for migrants who do not meet the skills requirements, undocumented border crossings and the use of human smugglers are the means by which they enter South Africa.

The movement of migrant labor from Zimbabwe to South Africa has been a feature of human mobility in the Southern African region since the 20th century (Wentzel, 2003; Crush, Williams and Peberdy, 2005). In the contemporary period, and though statistical data relating to cross-border mobility between the two countries is either difficult to get or, at best, inaccurate, a number of authors suggest that migration rates are high (Gasa, 2009; Seale and Tromp, 2009; Hammerstad, 2011; Scheen, 2011; Mlambo, 2014), and include a significant number of undocumented migrants (Aaria, 2009; IOM, 2010; Ndlouv, 2013; Mdlongwa and Moyo, 2014). Among undocumented Zimbabweans in South Africa are those who utilize the services of taxi\(^5\) operators (omalayitsha\(^6\)) to enter the country.

In 2009 and in response to perceived high levels of undocumented migration from Zimbabwe, the South African Government introduced the ‘Dispensation of Zimbabweans Project’ (DZP) whose objectives were to: regularize the immigration status of undocumented Zimbabweans in the country; curb the deportation of undocumented Zimbabweans; reduce the pressure on South Africa’s asylum and refugee system; and provide an amnesty for Zimbabweans who had obtained fraudulent South African documents (Gigaba, 2014a). As part of the DZP, the South African Department of Home Affairs waived a number of immigration permit requirements and application fees. As a result, applications could be submitted without supporting documentation such as a valid passport. In effect and under the DZP the South African Government approved temporary residence permits for Zimbabweans already living in the country to enable them to work, conduct business and study legally in South Africa. It is estimated that approximately 294,511 Zimbabweans applied for DZP permits, approximately 242,731 permits were issued while 51,780 were rejected or not finalized (Gigaba, 2014a). All immigration documents issued under the DZP were valid for four years and expired at the end of December 2014. On August 12th 2014 the South African Minister for Home Affairs announced that on expiry the DZP permits would be replaced by ‘Zimbabwean Special Dispensation Permits’ (ZSP) which would act as “…a temporary bridge to the near future when all Zimbabweans will re-enter the mainstream immigration process in South Africa” (Gigaba, 2014a). In order to apply for a ZSP an individual had to be registered on the previous DZP database, possess a valid Zimbabwean passport and provide evidence of employment, business or accredited study. As ZSPs are valid for a three year period they are due to expire at the end of 2017 (Gigaba, 2014a). Similar to their DZP predecessor, the ZSPs are temporary residence permits which allow Zimbabweans to live, work, conduct business and study in South Africa.

However, unlike the DZP permits a number of conditions are attached to the ZSPs namely: they are non-renewable; and the permit holder does not qualify for permanent residence on the basis of their temporary residence in South Africa under the DZP and ZSP systems. At the expiry of the ZSPs,

\(^5\) Taxi here refers to a form of public transport that is commonly referred to a ‘kombi’ in the region. They are similar to minibuses with the capacity to carry 15-20 people.

\(^6\) Umalayitsha in the singular. Omalayitsha in the plural.
Zimbabweans will be required to return home to apply for work or other forms of residence permits in South Africa without a guarantee that these will be granted to them. Yet, over the course of these two temporary residence permits (seven years) individuals will have been in South Africa for a long period of time and will have established themselves there in employment and business. The requirement to apply for South African immigration visas from Zimbabwe was viewed by respondents such as ZSP permits, so from January 2017 (Gigaba, 2014b).

For Zimbabweans who choose to remain undocumented in South Africa (after their ZSPs have expired in 2017), or return there after they have been deported the change in their immigration status will potentially expose them to the multiple vulnerabilities associated with the complexities of undocumented cross-border migration. At the Beitbridge border undocumented movement is not a single event or individual activity but involves a variety of activities that include crossing the Limpopo River; scaling the border fence; and crossing the official border without travel documents but with the assistance of officials. The movement of undocumented migrants involves a number of key participants such as taxi operators, Government officials and other migrants (Aaria, 2009). Taxi operators transport individuals from different parts of Zimbabwe to selected points in Beitbridge town. Mr. OM 1 notes that when a substantial number (30-40) of potential migrants have arrived they are taken across the border at specific crossing points by guides (izimpisi) who work with taxi operators; are familiar with the area; and who know the crossing points that are relatively safe from the South African Police Service (SAPS) and/or the South African National Defence Force (SANDF) who patrol the border. Once undocumented migrants have crossed the border, the taxi operators collect them at designated points along the motorway between Beitbridge and Musina (Aaria, 2009). Migrants who have knowledge of immigration procedures at the Beitbridge border assist their compatriots to cross into South Africa (Aaria, 2009). Finally, undocumented Zimbabweans may negotiate with officials on both sides of the border in order to enter South Africa without travel documents (ZM 1).

Though the services of omalayitsha and izimpisi leads to successful border crossing for undocumented migrants, the service itself is fraught with potential difficulties. A young man from Bulawayo (ZM3) explained that he had engaged the services of omalayitsha on the understanding that his brother would pay for his border-crossing when they reached Johannesburg. Once in South Africa, his omalayitsha phoned his brother to confirm that he had safely crossed the border. When his brother’s phone went to voicemail, they abandoned him in Musina. With no money, no social network or family and kin-group members in Musina he found employment on a construction site, where he continues to work for an employer who accepts his undocumented status.

Undocumented border crossings at the Beitbridge border can involve a dangerous journey as individuals risk being robbed and assaulted by unscrupulous gangs known as omagumaguma. Ndlouv (2013) suggests that some of the omagumaguma are people who assist undocumented Zimbabweans to cross into South Africa, but at a later stage target those whom they earlier assisted to cross the border. Aaria (2009) notes that an impisi and gumaguma can be the same person as people smugglers turn against their clients. However, Mdlongwa and Moyo (2014) suggest that these are rogue elements that operate independently of the izimpisi and omalayitsha. Other studies suggest that omagumaguma are organized gangs or “bandits who have been attracted to the banks of the Limpopo River to prey upon migrants” (UN Office for the Coordination of Humanitarian Affairs, 2010: 19) or who are also involved in the lucrative smuggling of goods, such as tobacco from Zimbabwe into South Africa without a guarantee that these will be granted to them.

1 In August 2014, the South African Minister of Home Affairs stipulated that when the ZSPs expired in 2017, Zimbabweans would be required to enter the mainstream immigration system and meet its requirements. The South African Minister of Home Affairs stated “ZSP permit-holders who wish to stay in South Africa after the expiry of the ZSP, must return to Zimbabwe to apply for mainstream visas and permits under the Immigration Act, subject to the relevant requirements. These applications will be considered within 12 months of the expiry of the ZSP permits, so from January 2017.” (Gigaba, 2014b).

2 The Limpopo River forms a natural boundary between Limpopo Province in the north of South Africa and southern Zimbabwe.

3 Beitbridge is a town in Zimbabwe, situated at the border with South Africa.

4 Impisi is the singular. Izimpisi is the plural.

5 Gumaguma is the singular. Amagumaguma is the plural.
South Africa (Nqindi, 2012). Though there is no agreement on who the omagumaguma are, what is clear is that they are an existing and dangerous dimension of the human smuggling process between Zimbabwe and South Africa, as illustrated by the following case.

ZM2 explains that after the group with whom he was traveling had crossed the Limpopo River, they were ambushed by omagumaguma who demanded that the impisi phone their taxi operator to say that they had been apprehended by the South African army. When the taxi operator and his friends arrived, they were robbed at gun point. The omagumaguma took the money and other valuables which they themselves had given to the taxi operator for safe keeping. After the incident, their taxi operator collected his clients and drove them to Johannesburg.

Once in South Africa, new layers of vulnerability emerge as undocumented migrants become the means through which employers can meet their labor needs and in so doing evade labor regulations such as those governing minimum wage payments. Respondents such as ZM4 noted that in comparison to their previous undocumented status their DZP and ZSP documents allowed migrants to negotiate daily life with relative ease. As a result, employment conditions (wages, working hours and benefits such as leave days) improved; they had greater employment mobility; were treated with more respect; and could travel back to Zimbabwe to visit family and friends without the financial and ‘safety costs’ associated with cross-border undocumented movements.

For large numbers of Zimbabweans in South Africa the policies that underpinned the DZP and ZSP systems meant a change in their immigration status as they moved from being undocumented to documented migrants. The end of the current ZSP system may well see many of them return once again to their undocumented status and its associated vulnerabilities. Though the DZP and ZSP programs were designed to provide Zimbabweans with temporary legal residence in South Africa, they may now become the source of exclusion and criminalization. In the immediate aftermath of December 2017 those who remain in South Africa will become undocumented migrants open to arrest, detention and deportation. In this way, the DZP and ZSP programs may demonstrate what Fassin (2012: 133) refers to as “ambivalent hospitality” in “governing the unwanted”. While these programs are examples of policies whose aim is to deal with the complex reality of life among undocumented Zimbabweans, the ZSP has within it restrictions that undermine one of its key aims, namely the provision of legal documentation to the undocumented. It is not then the temporary nature of the DZP and ZSP systems that is in itself problematic, but key provisions that undermine Government’s commitment to undocumented migrants.

References


