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FRUSTRATING THE FRUSTRATED: ANALYSIS OF THE PLIGHTS OF AFRICAN MIGRANTS SEEKERS IN UMHLATHUZE AREA OF KWAZULU-NATAL PROVINCE, SOUTH AFRICA

Abstract:

We are now sitting at homes, our rents are not being paid, we don't have food, children are no longer going to schools and women, especially pregnant are at high risk of hunger, stress, and trauma. This was the confession of an African migrant in uMhlathuze area of Kwazulu-Natal Province, South Africa. South Africa has become a port of destination for migrants post-1994. As an emerging economy in Africa and its position as an advocate of peace, stability and enhancing democracy within the South African Development Community (SADC) and Africa as a whole. Many African migrants has therefore explored its relatively stable economy to better their lot. This paper is a product of the community engagement programme facilitated by the author in 2023. The author identifies that the migrants who could be refugees and asylum seekers to a large extent are passing through some sort of untold hardship for certain reasons. Hence their frustration over the policies of the South Africa's Department of Home Affairs. Using qualitative research method and push and pull theory, this paper discovered that most migrants in South Africa, particularly the asylum seekers and the refugees are in South Africa not because they wanted to but the situation at home has forced them to be in the Rainbow Nation notwithstanding the level of their frustrations. The author discusses the implications of frustrating the migrants who themselves are frustrated because of the condition back home. The paper concludes that the beauty of needs/interdependency productive relationships between the migrants and the South Africans in uMhlathuze area of Kwazulu-Natal Province, South Africa will go a long way to foster inclusivity and local economic development.

Keywords:

Africa, Inclusivity, Home Affairs, Community, Destination

JEL Classification: K37

Introduction

April 1994 marked the birth of an inclusive democratic system, a new non-racial South Africa was born with a solid principle of liberal democracy and underpinned by the principle of fundamental human rights. The vision of late Nelson Mandela of a Rainbow Nation and Thabo Mbeki's African Renaissance sought to ease South Africa's re-integration into and strengthen its ties with the rest of the world and the continent of Africa was pivotal to the adoption of inclusive governance (Machinya, 2022). Unapologetically, the idea of inclusive governance in the new South Africa was in contrast to the obnoxious apartheid socio-political misdemeanor that preceded it. Thus, the dismantling of apartheid system was greeted with the influx of migrants [particularly] black Africans owing to South Africa's relatively stable political and economic system.

Contrary to the euphoria of inclusive governance that dismantled the long years of minority white rule after long years of political struggle and declaration of racial intolerance unconstitutional and injurious to humanity, it has been observed that prejudicial and discriminatory practices still remained in the former apartheid enclave, this time directed against immigrants. Without mincing words, this is contrary to South Africa's commitment to the principles of inclusive democracy, human rights, and regional integration.

Within the borders of South Africa are a diverse of and vibrant population of international migrants. Over time, human mobility has increased. Kanayo, Anjofui and Stiegler (2019) concur that statistics shows that one out of 50 persons is either a migratory worker, settler, refugee, or sanctuary seeker residing in another country. The United Nations and the International Organisation for Migration has indicated that close to 150 million persons live permanently or temporarily outside their home countries, representing 2.5 percent of the world's total population (International Labour Organization, International Organization for Migration, & The Office of the United Nations High Commissioner for Human Rights, 2001).

The crisis of ethnic and racial diversity of cultures in addition to globalization and economic downturns in most parts of the globe are some of the unavoidable reasons for migration. The accelerating growth in migration across the globe and Africa in particular is an indication that several countries have become increasingly multi-dimensional and vulnerable owing to the difficulties of accepting/accommodating persons of diverse philosophies, races, creeds, and languages.

Many sub-Saharan African states since the beginning of early 1990s have experienced a renewed and occurrence of civil wars, economic weakening, and a breakdown of physical and human security, increased instability, and uncertainty. Thus, leading to a general increase in migration of people across the continent. South Africa, amongst other African countries, has always been a migrant-receiving country.

Rasool, Botha, and Bisschoff (2012) states that in the 17th and 18th century, there was increase in international migration to South Africa as well as an influx of European immigrants into the country. These Europeans mainly from Britain, Netherlands, and Germany were attracted by the land and the mineral resources of the country. The Europeans benefited heavily and gained new markets for their businesses which in turn aided the establishment of colonial rule in the former apartheid enclave (Crush, Williams, & Peberdy, 2005).

According to Maunganidze (2021), migration is an important feature of South Africa's history. The country is built on migration whether it is migrants within the country moving from rural to urban and industrialized regions, or those from neighboring countries that venture to South Africa as contract laborers, in search of work and a better life for themselves and their families. Rasool et al., (2012) confirmed that as industrialization increased with the growing rate of the mining industry, there was also an increasing demand for labor to feed the economic growth and the country's developmental trajectory.

This explained why South Africa has remained the primary destination country in the region. However, migration patterns have changed since the 1990s following the introduction of inclusive democracy in 1994, which marked the end of apartheid system, and also terminated South Africa's apartheid migration policies and the official recognition of refugees in 1993. Following this, South Africa moved toward a more inclusive, diverse, and open society, and more regular migration from other African countries emerged, hence, South Africa became a major destination for migrants facing conflict, persecution, and economic breakdown in their home country.

Notwithstanding the long history of migration and the place of migrants in the country, migration in South Africa remain contested both in policy and practice. This is noticeable in how migrants are spoken of and dealt with. The current discourse on migration in South Africa often portrays immigrants as responsible for crime in the country, a strain on social and economic resources, and claims that migrants often take up opportunities that are primarily reserved for South Africans.

The United Nations, Department of Economic and Social Affairs, Population Division (2019) reiterates that South African migration policy and practice mirrors developments in other destination regions in Africa, Europe, and globally. Maunganidze (2021) explains that in the face of high immigration rates [in Africa], markedly by a fragile domestic job market, governments in destination countries tend to resort to some sort of restrictive immigration and protection regimes. Migration policies and the public attitude towards migrants are influenced by the growing perception that migrants come into host countries only to take advantage of the labor market and welfare services without contributing to society (Kanayo, Anjofui and Stiegler, 2019). South Africa is no exception. Migration in relation to South Africa vis-à-vis foreign immigrants has become a salient and contentious issue which to a large extent has fueled misconceptions and anti-migrant sentiments among the locals.

South Africans has always acknowledged that there are a lot of migrants in the country. They are bothered by migrants' impact on their jobs, and therefore, see these migrants as an economic liability which is a burden to their government as they spend lots of money to provide public services for them. Using a qualitative research design, the study found evidence to establish that the level of frustration often experienced by the foreign migrants vis-à-vis government frustrating migration policies are potential snag for the treatment meted to migrants in uMhlatuze area of South Africa?

Method

Research methods are the techniques and tools used in collecting and analyzing research data. In qualitative research it is accepted that the meaning is fixed in the understanding of the participants and the meaning is facilitated by the use of the observations of the researcher (Tuli,

2010). In order to arrive at the most appropriate and acceptable results, every scientific study must essentially take a systemic approach. This type of social action emphasizes how people interpret and make sense of their experiences in order to comprehend each person's unique social reality (Mohajan, 2018). Therefore, this study utilized a qualitative research method design to examine the experiences of African migrants in uMhlathuze area of Kwazulu-Natal Province, South Africa. This approach allowed migrants to present their experiences based on their own reality.

A total of thirty-five migrants took part in the study. The study also engaged Afrisoc, a Non-Profit Organization based in the area where data were collected. Of the thirty-five migrants that took part in this study, twenty-five were males while ten were females. Of this population there were six Ethiopians, eleven Zimbabweans of which six of them were females, two Rwandese, one from Ghana, two migrants from Burundi, two migrants from Eritrea, five from the Democratic Republic of Congo, three of them were females, two from Somalia, One female Nigerian, and three from South Sudan. The process of data collection took place at their own preferred location. For example, data were collected from some of them who owns Spaza shops, three of them were interviewed at the Afrisoc office in Richard's Bay (uMhlathuze area).

In the interviews questions such as “please tell us the reason why you leave you country for South Africa” “what it was like to be chase out of where you were making your daily living” what was your experience when you went to renew you asylum permit at the Department of Home Affairs” “please describe what it was like to be deprived of a job notwithstanding the level of your education and your status as a PR holder,” and “how did you feel with the discriminatory policies of South African government against black African migrants?”

Literature/theoretical explanation

While the adoption of inclusive democratic system pulls to pieces the reigns of the white minority oppressive and domineering rule, to a certain extent, racial prejudice, and all forms of discriminatory practices remained deep-rooted in the country, this time directed exclusively to black Africans and in particular those perceived as illegal migrants. Scholars like Klotz (2013), Peberdy (2009) exemplified South Africa's immigration policy as restrictive and exclusionary. Machinya (2022) concur that with this restrictive attitude, the South African state tried to distinguish between legal immigrants, refugees, asylum seekers and illegal immigrants, preventing the latter from entering the country and deporting them when they did, even though it was with little success.

Kanayo, Anjofui, and Stiegler (2019) states that the average age of an international African migrant is around 30 years old, and the economic prospects in her/his country are somewhat very slim. This situation has become a major driver of migration of black Africans, forcing them to seek economic prospects in other countries and elsewhere. Burns et al. (2018) are of the opinion that South Africa is a country where inequality is high, coupled with high rate of unemployment particularly among the youth and persistent racial inequality, thus forcing the African National Congress (ANC) led government to focus on national policy agenda on measures to intensify measure that will assist in the expansion of social cohesion. Notwithstanding, David, Guilbert, Leibbrandt, Potgieter, & Hino (2018) reports that the state of communication and social interaction

is interracial, and therefore, there has been no improvement between the foreign nationals and the locals, showing that migrants as outsiders face even greater challenges.

Thus, Crush and Frayne (2010) stresses that most immigration policies [in South Africa] focus mostly on the country's national interest wedged around administration, law enforcement, and border regulation, while jettison the recognition of the value of immigrants to, national, regional, and local [social and economic] development. Irrespective of the government's policy commitment to protect, defend, and support black African migrants, the restrictive nature of South Africa's migration policy makes it difficult for foreign nationals to get by. This is better explained that South Africa and its citizens has always view immigrants as a risk to their socioeconomic interest, hence the restrictive nature of its migration policies. By implication, the constraints in South Africa's immigration policies have continue to make things difficult for foreign nationals because they are viewed as threats to the advancement of the socio-economic needs of their hosts.

In recent times, people migrate for many different reasons, such as education, lifestyle, love or even a better climate, significantly economic migration remains, especially in immigration discourse and debates about how migration should be managed. In South Africa, for example, the emphasis is on economic immigrants, because it applies to immigrants whose entry into the country should be strictly controlled and, if possible, suppressed. However, it has its limits when it comes to expected benefits for the country's economy.

Adetiba (2024) posits that it is fundamental to stress that, the endless stress on migration as an economic process can be used to explain the reasons behind migration, in the first instance to escape poverty and unemployment back at home while trying to improve incomes and life-chances in their newly found home. Hence the reason for the influx of immigrants to South Africa after the demise of the apartheid system.

In migration studies, some countries can be classified as migrant-sending countries, while others can be classified as migrant-receiving countries. This can be interpreted to mean that, countries with social, economic, and political challenges can be classified as migrant senders, such as Mozambique, Malawi, Zimbabwe, Democratic Republic of Congo, Sudan, the Central African Republic, Somalia, Burkina Faso, Mali etc. Contrariwise, countries with relatively stable socio-political and economic system can be seen as migrants receiving countries. Within the SADC, South Africa fall into the category of migrant receiving country owing to its relative and better economic development within the region and in Africa. What this translate to mean is that more people, goods, services, and ideas made their way to the country, although not always easy, cheap, or legal. This account for the influx of economic migrants, refugee, and asylum seeker to South Africa.

In the last 10 years, according to UNHCR (2022b), there has been an increase in the number of people who were forced to leave their homes each year. This according to UNHCR is currently at its highest point as people were forcefully displaced worldwide. The UNHCR (2022a) further states that the total number of people that has been forcibly displaced exceeds 100 million. It thus means that, globally, governmental institutions have to deal with the unpredictable patterns of forced migration brought on by consistent yet erratic precursors to displacement, such as war, famine, and [socioreligious] persecution (Anderson, 2018). Thus, according to Kang (2021), World

Vision (2021), a refugee is a person who has fled their country because of a severe threat of violence, persecution, or war while an asylum seeker is displaced individual who has fled his/her country but has not received official recognition as a refugee in the host country (World Vision, 2021). However, an economic migrant is someone who is looking for better wages or living conditions in his/her host country (Kang, 2021). Given that many countries overwhelmed by violence are also economically devastated, thus making it a bit challenging to distinguish between refugees and economic migrants. One thing that is peculiar about the two of them is that both refugees and economic migrants may risk their lives to leave their country, a person may therefore fall into both categories (Kang, 2021).

For some years, the migration of black Africans has been a part of the South African urban and rural areas. Mukumbang et al. (2020) supports that foreign migrants [documented and undocumented] have lived in South Africa as contract workers and has since been contributing to the building of the country's economy into one of the strongest in the region. Perberdy (n.d.) concur that generally, migrants in South Africa have functioned as circular migrants retaining homes and families in their countries of citizenship, with others having established other family ties in South Africa too.

Fundamental to foreign nationals migrating to South Africa is access to job opportunity. The industrialization of the country and its relatively strong economic position on the continent are the pull factors that attract both skilled and unskilled labor migrants from the region and around the world in search of job opportunities in mining, manufacturing, and agriculture (UN High Commissioner for Refugees, Global Trends 2013). It therefore means that, following the political liberation of South Africa and the emergence of inclusive democratic governance in 1994, most migrants were attracted by the relatively availability of economic opportunities that spanned both the formal and informal sectors of the South African economy.

Hence, the African Centre for Migration and Society (2020), indicates that for some reasons, a legal migrant who possesses the same qualifications, age, gender and belonging to the same population group and residing in the same place as a South African citizen, has a higher prospect of being employed than a South African. Therefore, within most communities in South Africa where migrants reside and work, the locals hold the view that foreign nationals deprive them of their right to employment and other business opportunities and thus constitute a threat to South Africans and their access to the limited social services and amenities (Masuku, 2020). These perceptions for a long time form the basis of hatred for migrants in South Africa.

For the purpose of this paper, we will use the word "migrant" to refer to asylum seekers, economic migrant, and refugees, as they can be seen as belonging to a more extensive category of displaced people. De Coninck et al., (2021) puts forward that many countries [South Africa inclusive] see immigration negatively, with a number of interest and political groups promoting anti-immigrant stands, and racist views. Individuals in host countries range in terms of their interpretations on hosting migrants. Regrettably, the hostile representations of refugees in some media and the spread of the assertion that refugees pose a threat to the host society also help to maintain and promote the rise of "we don't want them" ideology and opposition to refugees (Esses et al., 2017).

According to Duru (2021), social science researchers in different disciplines that study migration, such as economics, demography, history, geography, sociology, anthropology, political science, trying to find out the root causes, effects, and dynamics of migration have succeeded in creating different theories. These theories include that of Harris and Todaro (1970) neo-classical migration theory [its components adhere to the micro-and macro-levels] believed to have originated from the initiated theory by Ravenstein's (1885 and 1889) laws of migration and followed by Lee (1966) push-pull theory of migration, Mabogunje (1970) migration systems theory, Zelinsky (1971) mobility transition theory, Stark (1978); Stark (1991) new economics theory of migration, Piore (1979) dual labour-market theory, Skeldon (1990) migration transitions theory, Massey (1990) cumulative causation theory among others.

Further to this, Abreu (2012) stated that the factors presented by Lee that influence the decision to relocate and the relocation process are factors related to the area of origin; factors related to the target area; factors related to obstacles or challenges; and personal factors. Implicitly, the decision to relocate is [cost-benefit] relative to pull and push factors in both locations, regardless of constraints such as distance, knowledge, and personal factors. Therefore, it can be suggested that explaining why international migration begins, each of these researchers tries to explain the same thing, but basically used different concepts, frames, and assumptions (Massey et al., 1993). Contrary to this statement, de Haas (2021:1) believes that the field of migration studies has remained under theorized field of social enquiry.

The theoretical thrust of the study is premised on the Integrated threat theory to drive home the case for the plights of African Migrants in uMhlathuze area of Kwazulu-Natal Province, South Africa. As proposed by Stephan and Stephan (2000), Integrated Threat Theory (ITT) is based on explaining aspects of a perceived threat that can cause prejudice between social groups. This theory can be applied to any social group that may feel vulnerable in some way to the mistreatment of another group in the same space. Integrated threat theory deals with perceived rather than actual threat (Stephan and Stephan 2000). Perceived threat means any threat that members of a group may expect or believe they may be exposed to (threat) from another group, regardless of the presence or absence of such threats.

An example relevant to this article would be the feeling held by local South African citizens that migrants from other countries take their jobs or operating Spaza shops [within the informal economy] of which there believe is that they should be the one operating these shops. Tella and Ogunnubi (2014) adds that there are widespread claims that African immigrants are responsible for the unemployment, poverty, inadequate service delivery and nationwide lack of socio-economic resources of South African citizens. Despite public [and international condemnations and] outcry for government intervention on social media, there are currently no concrete efforts to mitigate the growing threat to the affected population in South Africa.

Such perceptions of a perceived group as a threat can lead to intergroup prejudice, which in this case is often expressed in stereotypes and negative attitudes towards immigrants. Integrated threat theory predicts that unwanted prejudices about another group can lead to prejudice, and this prediction is based on research that has shown associations between higher levels of prejudice against a stereotyped group and beliefs about negatively valued stereotyped characteristics (Stephan, Ybarra and Morrison 2009). The centrality of this theory is that the main

sources of prejudice and discrimination are intergroup threats and fears, which are classified as realistic threats, symbolic threats or inter group anxiety. In addition, the use of words such as 'they' 'our' 'we' highlights how migrants are associated with a certain social status or group, which is different from the one for South Africans as they refer themselves as 'we' and migrants as 'them'. The use of such terminology to a large extent, is an indication of the intended social actions which threatens the co-existence of the locals and the migrants.

My frustrating experiences

Choane, Shulika, and Mthombeni (2011) writes that South Africa's rise from decades of apartheid and transition to democracy has been hailed and seen as the dawn of a new era, with high expectations. However, this transition was fraught with uncertainty, especially since the country was saddled with some huge problems that required immediate attention. Since becoming a democratic society, South Africa has been open to global developments, opening its doors and especially its economic sector to the world, which in turn opens the way to an ever-increasing flow of migrants seeking employment, business opportunities and protection, refugees, leisure, and education etc.

As South Africa continued to receive an increasing number of migrants [of which most of them are undocumented] following the adoption of inclusive democratic governance thirty years ago, the assumption is that the country may have learnt some lessons from the violence attack on foreign nationals and most importantly learnt from the discriminatory and unfair treatment meted to the black majority during the apartheid era. The attacks and inhuman treatment of migrants to a large extent is at variance with South Africa's commitment to democratic principles, human rights.

This influx of migrants has been accompanied by chauvinistic sentiments and hatred, not only practised by the public, but also by government officials, especially those from the Department of Home Affairs. Considering the political, economic and social changes and transformation of South Africa and the constitutional framework it adopted [in 1996] based on the principles of human rights, equality and social justice, tolerance and non-discrimination, the fact remains that people and groups are still being subjected to prejudicial treatment in terms of race, nationality, gender, age, or sexual orientation, which can be detrimental.

Machinya (2022) query that how did this "new" political order, built on a strong foundation of human rights and democratic principles and a commitment to African brotherhood - ubuntu, common African humanity - prove to be antithetical to those values? The answer to this question is not far-fetched, one answer that immediately comes to mind bothers on the uncertainty of South Africa's migration policies. According to Masango & Olisa (2019), the South African government often and cleverly rolls out new migration policies to strategically exclude both legal and illegal immigrants from the country's system of governance. Granting that the South African government officials and citizens often deny these claims, the living reality of African immigrants in South Africa validates this submission. A black African migrant cited in Adetiba (2022) offers that "*I immediately finished my PhD in 2013 and applied for a critical work permit to give back to the community where I studied (almost R130,000.00 was paid by the research fund of the school where I did my PhD). For more than three months, I did not receive any feedback on my application. I was already*

thinking of returning to my country, believing that I have nothing to lose because I already have a doctorate, but after thinking about it, I sent an email to the then Director General of the Department of Home Affairs and explained myself that I was trained by South Africa and I would like to give back to the country, that's why I sent an application for a critical skilled work permit. I don't know whether the D G intervened or not, but within two weeks I got the permit. Since then, I have been working [legally] in the country, while contributing my quota towards the development of the country". This experience somewhat questions the position of African migrants in South Africa vis-à-vis migration policies in the former apartheid enclave.

The unwelcoming attitudes of South Africans appeared to be driven by fear and false beliefs about the negative economic impacts of immigration. What this translates to mean is that intolerance [mostly linked to false beliefs about migrants] is driven by fear, rather than experiences of deprivation for which migrants are often scapegoated Oosthuizen (2019). Matema (2021) expresses that when the Freedom Charter was adopted in 1955, it was a declaration for a free and peaceful South African society. Rooted in the spirit of fostering cooperation, peace, and a respect for equal and basic human rights for all people living in the country, the charter declared that South Africa belongs to all who live in it.

A participant from the Democratic Republic of Congo echoed the missed expectations of ideal care and protection. He stated that families back at home especially those with children are accommodated when faced with problem. *I ran with my two little children and wife away from my country because of the outbreak of war in Eastern DRC to South Africa hoping to find a new life after losing all that I have worked for in the crisis, but it is frustrating when a fellow black African chased you out of your rented house and declare that you are not wanted in their country.*

Some of the migrants also identified certain experiences of treatment which they perceived as inappropriate perhaps unacceptable. *We are currently not working because areas we used to work and make money for living, are no longer allowed. We are now sitting at homes, our rents are not being paid, we don't have food, children are no longer going to schools and women, especially pregnant are at high risk of hunger, stress, and trauma* explained a Somali who once own a Spaza Shop.

Responding to a question on what it was like to be chase out of where one makes a daily living, one of the participants from Burundi responded that *In February 2023 the Municipality came and told us to vacate from where we are working as barber and when asked Municipality that where else we should go, they said they don't have a place to put us. Now it has worsened because Municipality took our tents where we use to cut hair and yet no alternative offered to us hence, we have come to Afrisoc because I believe we will get help.* Corroborating this statement, the Founder & Director at Afrisoc stated that *a group of foreign informal traders with their children came to Afrisoc office seeking assistance after they were chased away from their trading places. The situation wasn't good since February 2023, they were not working, unable to provide for their families including women and children. Hence, they came and request Afrisoc to intervene for material assistance as well as engage with the local authorities for their trading permits.*

Immigrants who resided in uMhlatuze area of Kwazulu-Natal Province, South Africa for a longer time also shared their frustrating experiences while working at a government own school. *When*

I came in newly to South Africa, I got a School Governing Board (SGB) job to teach mathematics . . . I was assigned to teach Grade 10, after a month in the school and based on my method of teaching and free extra lesson I offered, there was improvement in the performance of my learners. Little did I know that this did not go down well with the South Africans believing that they might lose their [permanent] job if their students did not perform very well, they connived with the female learners that I deal in drugs but I was vindicated after a thorough investigation and the teachers involved were disciplined. I eventually left the school out of frustration because the locals made life unbearable for me.

Granting that South Africa has become home to many asylum-seekers from across sub-Saharan African states following the adoption of inclusive democratic system in 1994, through its 1998 Refugee Act No. 130 for an asylum policy, characterised by non-encampment of asylum-seekers, South Africa granted all asylum-seekers freedom of movement, and the right to work and study (South Africa, 1998). Observably, this urban refugee model led to the explosion of asylum-seekers and refugees to live in the country alongside the host population. By implication, there is no provision of assistance from country given to asylum-seekers while undergoing asylum procedure, thus making them to become self-reliant, although this urban model is unarguably preferred over collective reception centres by the asylum seekers, but the daily struggles and inadequate support from the South African government may have a damaging impact on their well-being (Gil-Bazo et al., 2020).

Under the Refugee Act 1998, each asylum application is processed on an individual basis. A person wishing to apply for asylum must "immediately" fill out an application form in person at one of the Refugee Reception Offices (RRO). The applicant then receives an asylum seekers permit (Section 22). This must remain valid at all times. The asylum seeker must personally renew the permit based on the number of months (ranging from 1 to 6 months or more) for which the permit will expire at the RRO before its expiry date. The renewal continues until the asylum seeker is asked to return to the RRO for an interview with a Refugee Status Determination Officer (RSDO), who then decides whether to grant or deny refugee status. Depending on the outcome, either refugee status is granted, or the applicant is given the opportunity to appeal the decision to either the Refugee Appeals Board or the Permanent Committee on Refugees (SCRA), which depends on the reasons for the rejection (Department of Home Affairs, n.d).

Gil-Bazo et al. (2020) states that generally, South Africa's regulations implementing the Refugee Act specify that asylum applications will be determined by the South African Department of Home Affairs (DHA) within 180 days of filing a completed asylum application with a Refugee Reception Officer. Notwithstanding this Gil-Bazo et al. (2020), asserts that South Africa has the highest number of pending asylum cases, amounting to over 184,200, this according to Refugee Appeals Authority of South Africa (South African Government, 2023) has reduced to 133, 582 cases. Contrary to its applicable regulations, asylum-seekers often remain in the asylum process for many years with some waiting up to a decade or longer.

It is frustrating and demean that South Africa is exploiting the failures of various international conventions that to put in place the order in which the status of an asylum seeker or refugee is to be determined. For example, South Africa is legally bound by the UN Refugee Convention of 1951 section 13 and the then Organization of African Unity [now African Union] Convention of

1969 on Specific Aspects of the Refugee Problem in Africa. However, these documents do not propose a procedure which States must adopt to determine the status of a refugee or asylum seekers in need of international protection (OAU Convention 1969).

In addition, the United Nations High Commissioner for Refugees has published procedural standards that guide countries in procedures for determining refugee status. Regrettably, international law does not prescribe a minimum or maximum time period in which the determination of refugee status should be completed also. Conversely, fundamental rights limit both unreasonably short and unreasonably long asylum procedures. Thus, in an asylum procedure that leaves the asylum seeker in a state of long-term uncertainty, the right to good administration and a fair hearing within a reasonable time is violated (UNHCR, 2003), (ECRE, 2016).

Responding to the question; on the experience of some of the migrants when they went to renew their asylum permit at the Department of Home Affairs, some of the answers were not encouraging but rather frustrating. An Ethiopian has this to say; *I submitted my application for the renewal of my asylum permit in March 2023, there were some other asylum seekers from other country that came that day, we were going there for some days, they will tell us to come back the following day, I think they only attended to us on the 5th day and that very date, there was no place to hide our heads, we were under the sun. When we finally submitted, they gave us a receipt to show that we have submitted and told us to come back after two weeks, as I am talking to you, the two weeks has turned to 4 months and there is no sign that some of will get it soon. The frustrating part is that the people of South Africa now see us as illegal immigrant not knowing that the problem is from the Home Affairs.*

The above testimony corroborates what Owusu-Sekyere and Willis (2022) caption that administrative violence is a reality [in South Africa]. According to them both migrants and South Africans are facing administrative violence by the Department of Home Affairs (DHA) when it comes to documentation. Cited in Owusu-Sekyere and Willis (2022), the ActionSA, a leading political party in South Africa mentioned that the problem is not that citizens of other countries have chosen South Africa as their home, but rather that too many immigrants enter South Africa without following the legal process of immigration. However, an NGO that works with migrants points out that *nobody wants to be undocumented [in South Africa] but the paths to documentations are limited and those that are available are skewed.*

To a large extent, and in some instances, refugee centres of the Department of Home Affairs are closed in some provinces. Some have been closed since 2012 why some have not been able to operate even after the dreaded Covid-19 has relapse. It thus means that any asylum seeker or refugee whose documents expired during this period has not been able to renew their documents, thus rendering them undocumented not because they are not willing to renew their residency documentation, but because the department of Home Affairs have deprived them the opportunity to do so.

In response to a question on how migrants feel when they are deprived of a job, they qualify for notwithstanding the level of their education and status as a Permanent Residence (PR) holder? A female Nigerian who is a PhD holder in Economics have this to say; *I joined my husband, a*

medical doctor, in 2017, he encouraged me to go for my PhD since I already have my Master's degree. I registered for it 2018 and graduated in 2022. I thought I would get a lecturing job in one of the universities but as of today I have not gotten anything not because I don't perform very well in some of the interviews but because I am not a South African. However, I am happy that my husband has gotten a better job in Australia as a specialist, and this also allows me to also work in the country. This, submission beg for the question whether [black African] migrants should be permitted into the country, and whether their socio-economic rights should be protected. It is rather unfortunate that South Africa is yet to come to term with the realization that the migration regime, 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. Adetiba (2022) believe that instead of rejection through its restrictive and stringent migration policy, South Africa would always benefit from skills-driven immigrants who are genuinely and legitimately documented under South Africa's immigration law if South Africa is willing to accept them.

Corroborating this, Owusu-Sekyere and Willis (2022) stresses that as South Africa is doing its best to discourage skilled Africans from entering the country and also preventing South African trained Africans from working in the former apartheid enclave, other more industrialized and advanced economies are the one benefitting from this, thus leading to an exodus of many critical skills from the country. Among countries benefiting from South Africa's "point and kill" migration policy are Australia, New Zealand, Canada, US, and the United Kingdom. As these developed countries continue to snatch these skills from South Africa, illustrating to people their clearly laid out pathways to documentation, a time is coming when many of the skills needed in South Africa would have left. Unapologetically, the efforts and the socio-economic resources the South African government through the Department of Home Affairs has been using to keep Africans from entering the country, and frustrating those that are already on ground would be more useful if it is geared towards making sure that the best skills currently in the country are well protected while attracting skilled people from across the continent.

In a related question on how the immigrants feel with the discriminatory policies of South African government against black African migrants, a respondent comment that; *it seems they don't want us; I mean black migrants in this country. The locals believe that we are a threat to their survival, the government is not helping also, they come up with different policies every time. To me, their migration policy is not consistent, each time they fill that immigrants are at the verge of breaking forth in the country, they will come with new policies to frustrate black immigrants. I had it in the news some weeks ago that the Home Affairs is planning to come up with laws that will mandate Spaza shops owners to begin to pay tax. My believe is that they are targeting the immigrants in this sector, they want to frustrate them out of the country. Unfortunately, the government is not aware of the extent of the retail sector that the Chinese has taken over in the country. I am totally disappointed because I never believe that a fellow African country can treat its fellow African brothers the way we are been treated in South Africa.*

In another interview relating to this question, a female respondent who has spent close to fourteen years in South Africa comments that; *though I am gainfully employed in South Africa, but it is frustrating to daily see my daughter as stateless all because I and my husband are not South Africans. I clearly remembered that the Home Affairs in Richard's Bay (uMhlathuze) only gave us handwritten note which serves as proof of the date of my daughter's birth, our names as the*

parent and the place where I gave birth to my daughter, it was when we wanted to register her in school that we discovered that her details relating to the date of birth was never captured on the South African birth registration database. This is frustrating, because of this we are contemplating leaving the country but before we can do this, we need to go back to the embassy of our country to obtain a birth certificate for our daughter.

In their contribution, Owusu-Sekyere and Willis (2022) asserts that migration has both stock and flow dimensions. Adding to the challenges of flows, migrants in South Africa are faced with challenges that will later metamorphosed into the problem of illegal or undocumented immigrants. A perfect example of such is statelessness. The Department of Home Affairs does not issue a child born in South Africa to foreign parents a birth certificate. It thus means that, a baby born to non-citizen parents in South Africa becomes stateless without a national identity because such a child only receives a handwritten note from the DHA. This handwritten note is never captured in the national database. The note is just a record of proof of the date of birth, the parents to whom they were born, and the place of birth. By the time the child turns 16, he cannot apply for an identity card, which is necessary to write the matric. In their conclusion they assert that this problem is not limited to children of immigrant parents. The children of South African parents without citizenship also suffer the same fate due to the dysfunctionality of the Department of Home Affairs operations.

South Africa has a good constitution that caters for the well-being of both citizens and non-citizens. However, the good image of the 'Rainbow Nation' built on the provision of this constitution since is under threat owing to the dysfunctionality of the country's migration policy. The Constitution in its preamble, states that "We, the people of South Africa . . . Believe that South Africa belongs to all who live in it, united in our diversity". By interpretation, everyone who lives in the country irrespective of colour, race, gender, or nationality is catered for and recognized, and by extension, the constitution recognizes the interdependency of all those who live in the country.

The needs for interdependency

The growth in migration has been a particular feature of the 21st century, yet it is an ancient and global phenomenon. Year by year, migration flows have continued to increase, with significant impacts for migrant sending and receiving economies. Thus, for both natives and the migrants, immigration has led to significant changes in the performance of [formal and informal] labour markets, of course this varies from one country to another. Migration to a large extent has brought benefits and not just costs/challenges to host countries, like courage, skills, energy, aspirations, and most notably, hard workers.

I didn't have an idea of what I was going to do when I left the DRC, but I just believe that with my diploma, I can still do something . . . after three years of cutting hair by the roadside, I thought of joining my small business with my brother from Burundi and had a shop of our own. Today we did not cut hair alone, but we have three other shops in addition to this one for hair styling and we employ 4 South Africans in each of these shops, we also train them freely because we see them as our brothers and sisters and a means of giving back to the country, was the answer to one of the research questions.

The effects of migration and the impact of migrants on the [formal and informal] economic outcomes are multi-levelled, thus the migration effects on host economies can be measured by the contribution of the migrants to the South African economy vis-à-vis the host's expectation. Afrisoc, a Non-Profit Organization founded by a Congolese migrant for example, has established a vocational [Afrisoc Vocational Training Facility] training facility to create a good opportunity for migrants and the host communities to come together to know each other while learning Fashion design and Dress Making. A respondent who is also a student from DRC mentioned that; *the opening of the facility will really help me to support my family because it is hard when you are a refugee in South Africa without a job, but the skills acquired at AVTF will help and be able to open my own fashion design boutique and provide for my family.* Another respondent also mentioned that; *as a student of AVTF, I knew nothing about fashion designing. I started from scratch and today, I am able to showcase this amazing dress. I remember when I first came here, as a South African, I thought I will not be accepted because of the way we South Africans have been treating migrants, but I was surprised to hear the founder of Afrisoc telling me that the facility is meant for both the vulnerable individuals, unemployed South Africans, and stateless persons. I am bringing other South Africans to this place, there is no need fighting them, I can confidently say that Afrisoc has not taken my job, rather the organisation has better my life.*

Generally, migrants of African descent in South Africa are often subjected and exposed to the threat of human rights violations with their psychological integrity and dignity being violated in all fronts. *I have been in South Africa for close to 16 years, I studied for my first degree here in South Africa, and I have acquired South African citizenship. I currently have my own business and I employed 6 South Africans, with this I believe I am also contributing to the growth the economy of South Africa but in many occasions, I have been told to my face that no matter the number of years I spent in South Africa, I am still and Ethiopian, I see this as degrading and an abuse of my right, but what has kept me going is that the South Africans working with me are looking up to me to assist them to put food on their table.*

Conservatively, migration in Southern Africa is shaped by the movement of migrants from relatively poor to relatively rich societies. One argument that can be presented here is that South Africa regularly attracts a number of [both skilled and unskilled] migrants from its poorer SADC neighbours. In South Africa, this has heightened a number of social, political, and economic challenges, which has necessitated a new and bold migration policies. A Zimbabwean respondent said, *two or three years ago, the government of South Africa gave those of us with a special dispensation permit 12-month to apply for a regular visa or leave the country not minding how long we have stayed in the country or our little contribution to the growth of the economy of the country.*

Masiyiwa (2022) comments that this decision to a large extent could have economic consequences for South Africa, given the role immigrants play in boosting its economy. Masiyiwa further states that the 2018 World Bank report that assessed the impact of immigration in South Africa between 1996 and 2011 discovered that each immigrant worker created roughly two jobs for South Africans. By implication, it is in the best interest of South Africa to have an open immigration policy that best serves the national interest of the country, because the contribution of these migrants to South African society is greater than is generally acknowledged.

It can therefore be argued that, in the parlance of migration discourse, migration has been domesticated in South Africa thus making the policy makers to turn blind eyes to what South Africa (ns) can benefit from migration socially and economically. Moyo and Zanker (2020) concur that the increasingly restrictive migration environment for migrants in the former apartheid enclave is unapologetically shaped by a systemic xenophobic policy against migrant which contradicts the visions of free movement and the policy of Ubuntu which means that “a person becomes a person through another person.”

Conclusion/Recommendation

For South Africa to continue to maintain its respected position within SADC and by extension at continental level, the country must take its relationship between the [black] migrants who are considered as outsiders in South Africans and South Africans very serious. Unapologetically, the growing frustrating attitude of South Africans with particular reference to the city of uMhlatuze towards migrants represents the most shameful blight in post-apartheid history of democratic South Africa

Obviously, the disregarding and disrespect of African migrants' identity, as well as the abuses and marginalization they are subjected to, are responsible for their frustrated conditions. In reality, [African] migrants who were of good behaviour before coming to South Africa often opt for petty crime as a means of survival in South Africa. This is as a result of been deliberately excluded from the socio-economic system, unlike the whites, and Indian migrants who are treated with respect even when they have nothing to offer, often, they are perceived as expatriates and possibly investors compare to African migrants that are seemingly seen as criminals.

Like Afrisoc, there is need for collaboration between the South African government and the NGOs to create programmes that will facilitate suitable and appropriate enlightenment of South African citizens on the dividends of love for one another, which have been laid on the slaughter slab of hatred and deliberate frustration of African migrants.

The South African Constitution of 1996, Chapter 2 Bill of Rights, list out all the rights that South African and those that live in the country must enjoy. This is in addition to being a signatory to the 1965 International Convention on the Elimination of all Forms of Racial Discrimination (CERD), 'the 1981 African Charter on Human and People's Rights (ACHPR)' and the '1948 Universal Declaration of Human Rights (UDHR). It is rather unfortunate that South Africa seems to have jettison the provisions of these conventions while frustrating African migrants in the country.

South African leaders in government have a tradition of condemning violence against migrants, however, this has always been the song that political leaders often sing but there has not been any action against perpetrators. This work believe that the rule of law must be made inviolable against any South Africans and the law enforcement officials, who may be caught threatening the existence and productive stay of immigrants in South Africa which could be beneficial to South Africans. To achieve this, it would require the South African government to as a matter of sincerity reinforce its criminal justice system for them to be able to apprehend and prosecute whosoever is found guilty of threatening the life of migrants.

Finally, and without any prejudice, economic incompetence, inadequate service delivery and high levels of corruption to a large extent have compounded the plight of poor South Africans. Thus, in an event that South Africans withdrawal from attacking/criticizing the government as the real object of their frustration, an easier and more vulnerable scapegoat is found in black African migrants who are seen as coming to compete and take away from them the limited social and economic opportunities believing to be theirs. What this portends to mean is that the South African government must not shy away from addressing the inequality that exist within communities. The government should acknowledge that the hatred for black African migrants is a reality in the country, therefore, the South African government must refrain from attributing the threat and attacks on foreign migrants as mere criminal activity.

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