

A look at the recent xenophobic attacks in South Africa: Implications for policy
and integration

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Legislative framework

- Immigration Act
 - provides for the regulation of admission of foreigners to, their residence in, and their departure from the Republic and for matters connected therewith
 - Focus is on immigration control – indication of exclusivity
- Refugees Act
- Constitution – emphasis on ‘everyone’

Background to the attacks

- There were xenophobic attacks before May 2008
- May represented a climax
- About 62 people killed including South Africans, thousands displaced, thousands more were repatriated to their home countries
- Govt responses differed across the country. Some municipalities and provinces handled the situation better than others.
- Violence fuelled by a number of factors: disaffection and anger by SAs at worsening economic conditions and poor service delivery, perceived competition with non-nationals for jobs and scarce business opportunities, incitement by organised criminal elements

Integration

- Does immigration status have impact on the way ppl are integrated. The May attacks clearly indicated that this is not always the case. Some immigrants had stayed in the communities in which they were attacked for more than 30 years. SA citizens from other provinces also attacked
- What needs to be done to promote integration? Need for a coherent integration policy at national and local levels.
- Create environment conducive for people to claim their rights and mobilise resources at their disposal.
- Access to services still a big challenge – Health – despite DoHealth having issued a Directive in Sept 2007 for asylum seekers/refugees with/without documentation to access health services- this group still finds it difficult to access these services.
- Education: no fees schools – how many of these are in communities mostly populated by migrants.
- How inclusive are our cities. City of Johannesburg has migrant policy and has established migrant helpdesk
- Who and how should we be integrating.

Gaps in addressing xenophobia, integration

- Lack a coherent and coordinated policy on addressing xenophobia. While Immigration Act talks about addressing xenophobia, there is no indication as to how this will be done.
- This has resulted in a policy gaps, with most govt depts assuming that DHA has the sole responsibility of addressing xenophobia and integration. This then results in discriminative policies towards migrants, asylum seekers and refugees in terms of service provision eg health, education, housing etc.
- Access to services, understanding various documentation – these affect the way immigrants integrate, documentation determines what services they can/not claim

Difficulties faced by SA govt in respect of immigration policy development

- Move away from apartheid ethos of control and exclusivity
- Striking a balance between development, economic policies and immigration
- Creating a balance between immigration and post apartheid transformation – addressing the needs of the nation
- How do you develop an immigration policy when there is so much xenophobic tendencies even among civil servants. Is it a question of clearing the field first (is, addressing xenophobia and its root causes)
- How to regularise those who have been in the country for years and who now consider SA their home. Do we want to do that? S 31 (2b) – xenophobia victims granted exemption under this section. Could this be extended to other categories of immigrants.

Way forward

- Move from control to managing migration
 - there is already talk on this
- Develop a workable integration policy informed by consultation with various stakeholders including communities themselves.
- There is a need for inclusive municipal policies. How do we ensure this in cities characterised by rapid movement of ppl within our cities
- Coordinated policy on addressing xenophobia in society including various institutions. Need to look at deportation and its relationship to xenophobia.
- Enabling documentation for asylum seekers and refugees