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THE PRESIDENCY

**UNDERSTANDING VIOLENCE BETWEEN SOUTH AFRICAN NATIONALS AND AFRICAN
IMMIGRANTS IN GAUTENG PROVINCE: PHASE TWO**

REPUBLIC OF SOUTH AFRICA PRESIDENCY: POLICY UNIT

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Executive Summary

Introduction

South Africa's political economy and social life has its foundations intrinsically linked with both historical and more contemporary migration. During most part of the 19th and 20th centuries and apartheid rule, labour migration from neighbouring Southern African countries to a large extent normalised the co-existence of Black Africans and citizens of other African countries in South Africa. South African citizens who were in exile lived with other Africans in the host countries in the continent and abroad. With the advent of democratic rule, the profiles of immigrants in urban areas have changed significantly due to increased urban migration to seek work, international migrants who seek jobs and business opportunities, and asylum seekers and refugees who constitute involuntary immigrants. As a result, the Gauteng province in particular, experienced rapid population growth in the first two decades of the 21st century (Statistics South Africa, 2017).

Since 1994 the state has established a new relationship between the majority population and their government. The citizens' self-interest to ensure that the government addresses their needs has created a situation whereby foreign immigrants (especially those who might easily become indistinguishable from the rightful beneficiaries of state welfare and therefore could improperly benefit from the state), are mistrusted. The term "foreigners" in the public discourse is generally used to refer to Africans from other countries while the apartheid-era term, "immigrants" generally applies to international immigrants who blend with hegemonic sectors of the South African society (Crush, 2008). They are favoured by social class or race on the one hand, and the requirements of the immigration system of the country on the other, thus making their social integration into the mainstream social structure effortless. Europeans, Americans and Asians, except the Bangladeshis and Pakistanis, are generally neither viewed nor treated as foreigners by the general population. Increasingly, the "Us-Them" dichotomy between South Africans and African immigrants is firmly established. The lived reality is that the problem of refugees and xenophobia has specific reference to Africans and Asians originating from the sub-Saharan Africa and South Asia regions, respectively.

In terms of policy and legal frameworks, South Africa attempted reorientation of its immigration policies to match the country's foreign policy aspirations, especially the pan-African political standing. However, it became difficult for the government to develop a coherent immigration policy and system that adequately responded to the rapidly changing landscape of immigration in the country. Poor management of the immigration system by a country that provides numerous pull-factors is a contentious issue among South Africans and the porous border discourse expresses the public discontent about the negative effects of the immigration system on citizen's welfare and State's capacity to deliver on its obligations on the one hand, and concerns that the ineffective system encouraged undocumented immigrants to engage in criminal acts in the social and economic spheres.

Incidents of anti-immigrant violence began to affect the immigrant population leading to the emergence of a phenomenon known as xenophobia. Xenophobia is fear of the other. It is evident in attitudes, prejudices, and behaviour that reject, exclude and often vilify persons based on the perception that they are outsiders or foreigners to the community, society or national identity (Masenya, 2017). At its core, anti-immigrant fear and violence derives from a sense that non-citizens pose a threat to the hosts' social status, identity and individual rights. But the common notion in both public discourse and scholarly literature is that what is commonly referred to as xenophobia is not directed at foreigners in general, but particularly at African immigrants in South Africa (Matsinhe, 2011; Long, Wabie & Stein, 2015; Ndinda & Ndhlovu, 2016; Dube, 2019). The anti-African immigrant sentiment is widespread in urban poor South African communities and is interlinked with other characteristics of a society that is emerging from racial divisions, including a sense of interracial competition and alienation amidst extreme inequalities (Gordon, 2016).

Problem statement

Past anti-immigrant attacks were sporadic, largely limited to the margins of the city and spaces of deprivation such as informal settlements (Ndinda et al, 2016; Ndinda & Ndhlovu, 2016). Recent attacks over the past 3-5 years, have taken a different turn resulting in violent confrontations between the local population and immigrants who pursue precarious and informal livelihood strategies in the urban centres and township environments (Ndinda & Ndhlovu, 2016). There have been incidents where foreigners use violence against state authorities enforcing the law and subsequent arrests of 'illegal' immigrants.

Reasons linked to local communities' hostility towards foreign nationals include nationalist interests such as improving the effectiveness and integrity of the immigration system. This is linked to a widespread perception that influx of irregular immigrants has negatively affected the capacity of the State to provide citizens with basic services and economic opportunities. Furthermore, foreign business owners are blamed for using "unfair" and illicit trading practices to drive locals out of local economies. At a social level, local communities justify their actions are part of reclaiming the social fabric they believe is being undermined by foreign drug dealers and human trafficking syndicates where law enforcement institutions fail to address communities' concerns.

The government of South Africa is concerned about the increased frequency, nature and triggers driving these violent incidents, in the pre-COVID-19 period. The recurrence of this behaviour suggests that gaps exist in the formal response strategy that helped quell this form of violence in the past or in information flow to communities about changes in policy and administrative practices relating to immigrants.

Overall, the study addressed the following questions:

- why does anti-immigrant violence emerge from time to time;
- what are the root causes of such violence;
- how have State actors and partners responded, and
- what more needs to be done?

Theoretical and conceptual framing

This study is theoretically rooted in constructive realism, which assumes that construction of social reality occurs within varying socio-cultural, socio-political, socio-economic and epistemological contexts – assuming the structure of the world being a result of its social construction. Within the context of this study therefore, xenophobia is not of arbitrary nature, but to a certain degree corresponds to the social reality itself (Lubskii, 2012). According to (2013) xenophobia is conceptualised as,

‘a way to organize social relations on the basis of the antagonistic opposition of "insiders-outsiders," which are developed within historically specific social conditions and based on the concepts of a particular community concerning equality, justice in distribution of life's benefits, and the conditions of meeting the material, social, and spiritual needs’.

Xenophobia assumes a binary world structure (Saldatova & Makarthuk, 2006) – based on human desire to divide the world into "insiders" and "outsiders". This basic characteristic of human nature is viewed as a central mechanism of xenophobia, which can be used for different purposes, both for the personal safety precautions, and in the struggle for power, territory, and wealth.

The conceptual framework used for the study borrows from Tella (2016) and Kirik and colleagues (2015). It is premised on the assumption that factors triggering xenophobia are often complex and complicated and understandably yield different explanations and distinct perspectives. According to Tella (2016), one of the ways in which researchers can manage this complexity is the use of levels of social reality: influences of the micro, meso and macro levels of social structure as depicted in Figure 1. Furthermore, the research questions for the study are grouped according to the three levels of social reality (Table 1).

A rapid participatory approach was used to collect qualitative data from representatives of government departments, other state institutions, non-governmental organisations, academics and leaders of local and foreign national communities. Qualitative methods used included online focus group discussions and in-depth telephonic interviews with various categories of community leaders. We captured the perceptions, experiences, meanings and recommended actions. The data obtained through interviews and focus group discussions was analysed thematically according to two key themes, (a) perceptions on factors that trigger xenophobia and (b) perceived actions to effectively curb anti-foreign immigrant sentiments and xenophobia in the cities of Johannesburg and Tshwane.

Findings

(a) Perceptions on factors that trigger xenophobia

The findings from previous studies call into question the bipolarity of commentary that labels South Africa as either ‘xenophobic’ or ‘not xenophobic’. Similarly, findings from this qualitative analysis of perceptions about xenophobic violence in Gauteng Province suggests that it may not be possible to effectively prevent and respond to xenophobia in the country by identifying and addressing triggers. What is more relevant is to address persisting relational and structural factors in immigrant host communities in South Africa.

At the micro level, as individuals or members of formal and informal aggregations, South Africans have a strong sense of who, among the population, belongs to the country or does not; and the notion of foreign nationals is used for excluding non-members from opportunities as well as antagonising identifiable immigrants.

The key ontological question underlying perceptions on factors that influence the anti-immigrant sentiment is inextricably linked to definitions of belonging, nationalism and “Outsider” versus “Insider” in the host communities and other spaces of economic activity.

There are basically two views regarding the relationship between nationalism and xenophobia in South Africa and both acknowledge that there is nothing inherently negative about nationalism. It is a form of social identity that can be constructed and deconstructed to produce in-group solidarity or used for exclusionary purposes. However, informal movements on social media platforms tend to emphasise the idea that “South Africa is for South Africans” and have become exclusionary.

Regarding the macro level factors, there are diverse views regarding whether South Africa has laws and policies that adequately address the xenophobia sentiment. Some of the study participants considered the laws to provide solutions to grievances of South Africans who live in disadvantaged areas, including informal settlements and township. The solution to the problem would be for officials of various government departments mandated to regularise immigrants, to implement laws fairly and ensure compliance in their administrative roles. Other participants suggested the need for a radical change in legislation that would prioritise and protect the socioeconomic interests of South Africans without violating foreigners’ human rights. The latter view is consistent with the amended international migration and asylum seekers legislation that redefines foreign nationals’ participation in different spheres of life in the country. Government officials criticised government policy implementation for being fragmented and suggested that immigration required an all-government approach to eradicate recurring implementation challenges.

The National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance (hereafter the 'NAP'), was adopted in March 2019. The NAP signals a clear commitment of the state to combat xenophobia comprehensively. It explicitly calls the government, Chapter 9 institutions and civil society to cooperate and commit to work with members of society to eradicate discrimination, promote equality and justice and reject all forms of violence against nationals of other countries in South Africa. The plan serves as the nation's guide to eradicating intolerance in South African society. Providing definitive clarity on the issue, xenophobia is defined in the document as an "attitudinal orientation of hostility against non-nationals in a given population" and acknowledges that fellow Africans are often victims of xenophobia – a clear absurdity of this disposition. Its focus on xenophobia incorporates all categories of immigrants including asylum seekers, refugees and voluntary immigrants from all parts of the world.

(b) Actions to effectively curb anti-foreign immigrant sentiments and xenophobia

The State inertia on xenophobia has been the main criticism by the media and the government has been accused of 'xenophobia' denialism by many in the press (see Gordon 2019a). However, a targeted set of actions to combat xenophobia have been outlined in the NAP. These include improved immigrant integration, streamlined migration management, better law enforcement, civic dialogue and media engagement. These actions are set to be completed by 2024. On the whole, the NAP is only a technical framework, and development of more detailed anti-xenophobia programmes is needed.

Study participants provided insights regarding specific areas of contention in South African-immigrant relationships. Some of the concerns relate to general practices in the management of immigration and integration of immigrants that ignore the relationship of South Africans with their state. Study participants indicated that South Africa's liberalised economy disadvantages citizens and provides foreigners a loop hole to trade illegally without being detected. The informal trading space in residential areas and urban centres are loci for tensions and the reasons include the perception that existing policies do not favour or protect locals' economic interests.

Apart from unemployment, immorality, crime, poverty and inequality, the other thorny issue is corruption, which prevails in government departments responsible for administration of immigration-related policies, and the situation makes policies difficult to implement. The Department of Home Affairs, especially the division responsible for immigration services, police services and licensing services in the Department of Small Business were mentioned in most instances. Various ways in which political power contributes to xenophobia in South Africa focusing on the negative narratives driven by some of the leaders in society are well-documented (Moyo & Zanker, 2020). This study also places focus on the view that illegal actions by state officials laid the foundation for violation of human rights and vulnerability of immigrants, and contributed to criminality and corruption. Permitting and licensing services as well as law enforcement were blamed for lack of adequate knowledge about the laws and corruption.

Some immigrants, government officials and business owners individually or in partnership with one another, exploit the weaknesses of the immigration ecosystem for economic gains. South Africans who view corrupt relationships between officials of state and immigrants as disadvantaging locals develop mistrust towards immigrants and question legality of their livelihood endeavours. There is a negative strand of nationalism that is used to express xenophobic sentiments across society including on social media platforms and it can be easily mobilised to give traction to issues associated with foreign nationals in whatever way.

What still needs to be done? Recommendation for filling identified gaps

- The government should strengthen governance and oversight to address corruption among officials responsible for implementing the laws in different sectors of government such as asylum seeker permits, domestic trade licensing, and business zoning certificates.

- The Zimbabwe Exemption Permit (ZEP) and the Lesotho Exemption Permit (LEP) have been commended as pro-immigration policy initiatives by South Africa. Monitoring and evaluating these policy directives when they end in 2021 and 2023, respectively; to assess their impact on social cohesion, economic productivity and tax revenues domestically is critical. Such an assessment would illustrate the impact of these policy provisions on illegal immigration and overall economic growth of the South Africa.
- The government and its social partners need to develop programmes that will foster reconciliation among immigrants from Africa, Pakistan and Bangladesh with South Africans by addressing injustices and oppression inherent in xenophobic violence and its perceived causes. Such initiative should provide members of communities with opportunities to interact and collectively address issues that divide South African and foreign nationals through dialogue.
- The NAP is silent on how South Africans can raise legitimate concerns about practices including administrative and labour practices in relation to immigration that may jeopardise social cohesion, without resorting to radical and harmful actions. Protests of different forms are used to express these concerns at different levels of government. There should be a dedicated emergency reporting system for xenophobic threats in communities and public spaces confidentially, as it is the case with other forms of violence.
- Promote recognition that immigration is integral to the development agenda of the country and that it is in the interest of South Africa that immigrants who decide to settle in the country are assisted through social development processes to integrate into its socioeconomic structure. At the local level, Integrated Development Plans could include understanding the demographic changes, social cohesion indicators that include informational sessions that dispel stereotypes and provide knowledge about immigration laws, opportunities for intergroup social interactions among South Africans and immigrants in neighbourhoods.
- The government should consider working with the African diaspora and social actors in the country to break the silences around immigrants' positive contributions in society: payment of taxes, contribution to innovation, health equities, employment, education and skills development in the key sectors of the economy.
- Working with civil society and other partners, programmes that promote knowledge about immigration, regularly provide factual information on immigrants, the circumstances of various categories of foreign nationals, and the contribution of immigrants to the country's socioeconomic development. Media houses should collaborate with journalists and publish mainstream stories of immigrants, asylum seekers and refugees.

Understanding violence between South African nationals and African immigrants and the policy response in Gauteng province

1. Introduction

South Africa's political economy and social life has its foundations intrinsically linked with both historical and more contemporary migration. During most part of the 19th and 20th centuries and apartheid rule, labour migration from neighbouring Southern African countries to a large extent normalised the co-existence of Black Africans and citizens of other African countries in South Africa. South African families and individual citizens who were in exile lived with other Africans in the host countries in the continent and abroad. Within South Africa, internal and external labour migrants converged in urban areas that offered economic and other life opportunities where they cooperated and competed for various resources in environments where foreigners were in majority (see Ruth First, 1982 – *"The gold of migrant worker"*). The management of migrant workers in the gold mining industry, the largest economic sector that has historically attracted the majority of unskilled workers to urban areas, was a partnership between private recruiting companies such as the Native Recruitment Corporation (NRC) and The Employment Bureau of Africa (TEBA), national governments of sending countries and South African government, and employers. With the advent of democratic rule, the profiles of immigrants in urban areas changed significantly due to increased urban migration to seek work and international migrants who seek jobs and business opportunities, asylum seekers and refugees who constitute involuntary immigrants. As a result, the cities in Gauteng province in particular, experienced rapid population growth in the first two decades of the 21st century (Statistics South Africa, 2017).

Post-1994, the democratic South African government strived towards establishing its place among the international community and embraced its role as a leading economic power built on a culture of human rights. Domestically, the State emerged with a determination to directly promote the development and welfare of the majority of Black Africans who were excluded from the apartheid development project. Whether viewed as a welfare or developmental state (Seekings, 2015), the South Africa government's political relationship with the citizens is largely based on the expectation that the state should provide the poor with welfare and free basic services. Similarly, through state capitalism, the government should grow the economy that creates jobs and entrepreneurship opportunities, particularly for the historically disadvantaged population groups. In this newly established relationship between the majority population of South Africa and their government, the former's self-interest to ensure that the government addresses their needs has created a situation whereby foreign immigrants (especially those who might easily become indistinguishable from the rightful beneficiaries of state welfare services and therefore improperly benefit from the state), are mistrusted. Increasingly, the "Us-Them" dichotomy between South Africans and African immigrants is firmly established.

Conventionally, in South Africa the term foreigners in the public discourse has generally been used to refer to Africans from other countries while the apartheid era use of the term “immigrants” would generally apply to international migrants who blend with hegemonic sectors of the South African society (Crush, 2008). These are either favoured by social class or race on the one hand, and the requirements of the immigration system of the country on the other thus making their social integration into the mainstream social structure effortless. Europeans, Americans and Asians are generally neither viewed nor treated as foreigners by the general population.

As South Africa transitioned to a democracy in the mid-1990s, and attempted reorientation of its immigration policies to match its regional and international political standing, it became difficult for the government to develop a coherent immigration policy and system that adequately responded to the rapidly changing landscape of immigration in the country. For example, South Africa’s policies led to the retrenchments and decline in the number of migrant mineworkers exacerbating the socioeconomic crises in these sending countries (Mensah & Naidoo, 2018). At the same time, it has taken the State long to develop a coherent immigration system in the form of effective border controls, immigrant selection criteria, visa issuing and reissuing, including responsive administrative mechanisms for managing involuntary immigration of asylum seekers and refugees. Poor management of the immigration system by a country that provides numerous pull-factors is a contentious issue among South Africans and the porous border discourse expresses the public discontent about the negative effects of the immigration system on citizen’s welfare and State’s capacity to deliver on its obligations on the one hand, and concerns that the ineffective system encouraged undocumented immigrants to engage in criminal acts in the social and economic spheres.

Incidents of anti-immigrant violence began to affect the international immigrant population leading to the emergence of a phenomenon that has become to be known as xenophobia. Xenophobia is fear of the other. It is evident in attitudes, prejudices, and behaviour that reject, exclude and often vilify persons based on the perception that they are outsiders or foreigners to the community, society or national identity (Masenya, 2017). At its core, anti-immigrant fear and violence derives from a sense that non-citizens pose some sort of a threat to the hosts’ social status, identity and individual rights (Solomon & Kosaka, 2013). But the common notion in both public discourse and scholarly literature is that what is commonly referred to as xenophobia is not directed at foreigners in general, but particularly at Africans in the country (Matsinhe, 2011; Long, Wabie & Stein, 2015; Ndinda & Ndhlovu, 2016; Dube, 2019). The anti-African immigrant sentiment is widespread in urban poor South African communities and is interlinked with other characteristics of a society that is emerging from racial divisions, including a sense of interracial competition and alienation amidst extreme inequalities (Gordon, 2016).

2. Problem Statement

Past anti-immigrant attacks were sporadic, largely limited to the margins of the city and spaces of deprivation such as informal settlements (Ndinda et al, 2016; Ndinda & Ndhlovu, 2016). Recent

attacks over the past 3-5 years, have taken a different turn resulting in violent confrontations between the local population and immigrants who pursue precarious and informal livelihood strategies in the urban centres and township environments. Constant raids on foreign-owned shops in the city of Johannesburg recently by the South African Law Enforcement Agencies searching for counterfeit goods resulted in foreigners retaliating and stoning police vehicles and subsequent arrests of 'illegal' immigrants. The violent confrontations spread to the city of Tshwane which resulted in a week of attacks where foreign-owned shops were looted and razed to the ground, and vehicles suspected to be driven by foreigners were randomly stopped and attacked.

Some of the reasons linked to local population's hostility towards foreign nationals, include nationalist interests such as improving the effectiveness and integrity of the immigration system which is viewed as being responsible for the irregular immigration into the country. There is a widespread perception that irregular immigration – that is, movement of migrants outside the regulatory norms of the Republic, has negatively affected the capacity of the State to provide its citizens with services and economic opportunities, especially jobs. Furthermore, locals involved in anti-immigrant attacks believe they are protecting the local economy from foreign business owners who use "unfair" and illicit trading practices to drive locals out of already precarious business environments and to be reclaiming the social fabric they believe is being undermined by foreign drug dealers and human trafficking syndicates.

Prompted by an overriding concern regarding the increased frequency, implications for the country's political standing and regional cooperation, the nature of and triggers driving these violent incidents, the government of South Africa commissioned this work. The recurrence of this behaviour suggests that gaps exist in the formal response strategy that helped quell this form of violence in the past or in information flow to communities about changes in policy and administrative practices relating to immigrants.

Overall, the study addressed the following research questions:

- why does anti-immigrant violence emerge from time to time;
- what are the root causes of such violence;
- how have State actors and partners responded, and
- What more needs to be done?

This report discusses the findings of empirical research conducted before and during the COVID-19 lockdown to understand the root causes of xenophobic violence in the city of Johannesburg and Tshwane. The report provides an overview of the conceptual and methodological approach employed in qualitative data collection and analysis of perspectives of various study participants. The report further addresses key themes that emerge from the reviewed literature and primary qualitative data collected from Gauteng Province.

Understanding the nature of the violence between South Africans and foreign immigrants as well as the underlying attitudes to the problem is central to identifying relevant interventions aligned to the evolving policy, legislative framework and institutional mechanisms for harmonising South African's

socioeconomic development with the government's obligation to protect asylum seekers, refugees and immigrants in the country. The following section of the report discusses a conceptual framework for understanding the manifestation of the anti-immigrant sentiment and xenophobic violence. It includes a discussion of one of the debates regarding the nature of the violence between South Africans and immigrants, namely whether it is a manifestation of xenophobia or Afro phobia.

3. Theoretical and conceptual framing

This study is theoretically rooted in constructive realism, which assumes construction of social reality within varying socio-cultural, socio-political, socio-economic and epistemological contexts – assuming the structure of the world being a result of its social construction. Within the context of this study therefore, xenophobia is not of arbitrary nature, but to a certain degree corresponds to the social reality itself (Lubskii, 2012). According to Shevchenko (2013) xenophobia is conceptualised as,

‘a way to organize social relations on the basis of the antagonistic opposition of "insiders-outsiders," which are developed within historically specific social conditions and based on the concepts of a particular community concerning equality, justice in distribution of life's benefits, and the conditions of meeting the material, social, and spiritual needs’.

Xenophobia assumes a binary world structure (Makarthur, 2006) – based on human desire to divide the world into "insiders" and "outsiders". This basic characteristic of human nature is viewed as a central mechanism of xenophobia, which can be used for different purposes, both for the personal safety precautions, and in the struggle for power, territory, and wealth.

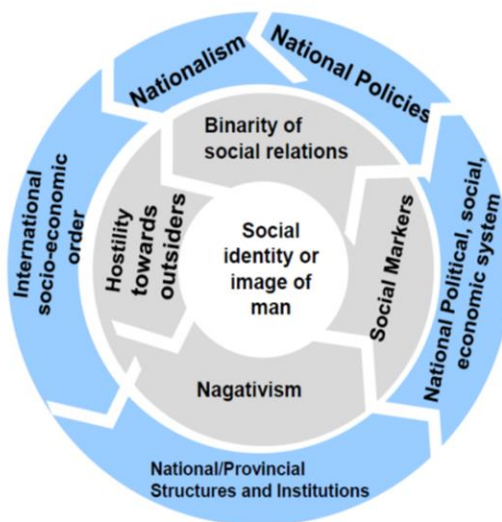
The used conceptual framework for the study borrows from Tella (2016) and Kirik and colleagues (2015). It is premised on the assumption that factors triggering xenophobia are often complex and complicated and understandably yield different explanations and distinct perspectives. According to Tella (2016), one of the ways in which researchers can manage this complexity is the use of levels of social reality. The conceptual framework applied in this research has three levels of analysis (micro, meso and macro levels) as depicted in Figure 1.

The micro level puts primacy of individuals in triggering xenophobic violence. It is assumed that social identity acts as the original determinant of xenophobia, since it can only be achieved through the intergroup comparison, which intensifies the importance of group membership and stimulates the group feelings (Kirik et al., 2015). The perceptions of the groups of "insiders" and "outsiders" are the result of categorization and identification that, while a necessary component of the reality perception process, as a rule, are not based on the personal experience of interaction with the members of various groups, which is often missing but, on the schemes, already existing in the group discourse (ibid: 184).

The meso level explores the impact of the aggregation of individuals on socio-political or socio-economic outcomes. The macro level of social reality ascribes the international behaviour of states to each state's internal composition. Among others, these include the type of political system, economic system and social structure. Beyond the nature of the political system, this level also analyses collectives within the state which range from interest groups to political

associations and government agencies (Goldstein & Pevehouse, 2008). It is for this reason that this level is also referred to as the domestic or societal social reality.

Figure 1: Proposed Conceptual Framework



Research Questions

The research questions for the study are delineated in Table 1. They are grouped according to levels of social reality around two key themes, (a) perceptions on factors that trigger xenophobia and (b) perceived actions to effectively curb anti-foreign immigrant sentiments and xenophobia in the cities of Johannesburg and Tshwane.

Table 1: Research questions

Level of social reality	Perceptions of factors that trigger xenophobia	Perceived actions for anti-immigrant sentiments and xenophobia	Guiding theoretical Concepts
Micro level (individual)	<ul style="list-style-type: none"> Who participates in xenophobic violence? What drives the desire to divide the world into "insiders" and "outsiders"? Who are insiders in your community? Who are outsiders? How would you describe relations between South Africans and foreign immigrants? 	<ul style="list-style-type: none"> What has been done in the past to limit xenophobia? What can be done in the future to curb xenophobia? <p><i>(By immigrants' families and individuals; South Africans and their families)</i></p>	<p>Individual decision-making is influenced by emotional, cognitive, psychological and biological traits (Rourke, 2007).</p> <p>The social markers represent a set of symbols that define the dominant criteria for the identification of a personality or a group (Kirik et al., 2015).</p>

	<ul style="list-style-type: none"> • Are relations the same with immigrants, refugees and asylum seekers? • Has this always been this way? If this has shifted over the years, how do you make sense of that? • What are some of the factors or reasons for people to participate in xenophobic attacks? • What are the benefits of immigration to SA society? • What has been done to integrate immigrants into SA society and what works and doesn't work? 		
Level of social reality	Perceptions of factors that trigger xenophobia	Perceived actions for anti-immigrant sentiments and xenophobia	Guiding theoretical Concepts
Meso level (local community/provincial)	<ul style="list-style-type: none"> • What influences the insider-outsider dichotomy? • What promotes negativism against foreign immigrants? • What drives hostility against foreign immigrants? • What kind of accusations, claims, confrontations, events, discoveries, dissatisfactions, stories usually brew hostility against foreign immigrants? - -- Examples • What are some of the factors or reasons for people who 	<ul style="list-style-type: none"> • What has been done in the past to curb xenophobia? • What can be done in the future to curb xenophobia? <i>(By community organisations including immigrant networks? By local government structures? By government departments with mandates to provide services that normalise/regularise immigration and immigrants' social</i> 	<p>Traits of negativism include fear, anger, disgust, contempt, and envy. In turn, fear provokes dislike, which can escalate into hatred and hostility (Kirik et al., 2015).</p> <p>The hostility towards identifiable "outsiders" is constructed through a variety of super-biological systems – a language, mythological models of the world, religious beliefs, scientific doctrines, and a political discourse (Iarskaia, 2012)</p>

	<p>participate in xenophobic attacks?</p> <ul style="list-style-type: none"> • What are the common social markers for foreign nationals? • In what ways do Black South Africans see immigrants (outsiders) as contributing to key social problems/their solutions in society? (<i>Unemployment [of youth; of young women]; social crimes; economic crimes; social hierarchy and inequalities?</i>) • What are the perceived benefits of immigration to SA society? • What has been done to integrate immigrants into SA society and what works and doesn't work? 	<p><i>and economic activities? (e.g. immigration; crime; trading etc)</i></p>	
<p>Macro Level (national/international including government departments, UN agencies and NGOs)</p>	<ul style="list-style-type: none"> • What policies or legislative frameworks deter xenophobia (facilitative vs constraining practices) • What policies or legislative frameworks trigger xenophobia? • What kind of state discourses are found to trigger xenophobia? • Which government departments trigger xenophobia? (facilitative vs constraining practices) 	<ul style="list-style-type: none"> • What are the perceived policy options for curbing xenophobia? • How is the current institutional mechanism intended to curb xenophobia within the existing policy and legal framework? • What interventions are in place? Have they been evaluated? What 	

	<ul style="list-style-type: none"> • What international socio-political order triggers xenophobia? • What socio-economic and socio-political issues trigger xenophobia? • What are perceived impacts of nationalism on xenophobia? • What are the benefits of immigration to SA society? • What has been done to integrate immigrants into SA society and what works and doesn't work? 	<ul style="list-style-type: none"> • What are their effectiveness? • What are the current policy and legislative loopholes in responding to xenophobia? • What new interventions are being considered to address the loopholes? • What societal issues can be improved to curb xenophobia? 	
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Data Collection Approaches

A rapid participatory approach was used to collect qualitative data from representatives of government departments, other state institutions, non-governmental organisations, academics and leaders of local and foreign national communities. Qualitative methods used included online focus group discussions and in-depth telephonic interviews with various categories of community leaders. We captured the perceptions, experiences, meanings and recommended actions as well as different researchers' contributions as a strategy for ensuring data credibility given the limited timeframes and pandemic-induced constraints for data collection (Trotter et al., 2001, Utarin, et al., 2001).

Data was collected from both South African citizens and foreign nationals. The study utilized key informant interviews (KIIs) and focus group discussions (FGDs). Initial plans to utilize storytelling (including transect walks, first-hand digital videos and pictures captured by community members and timelines) to explore significant developments leading to these incidents of attacks and how they were resolved were abandoned due to the threat of COVID-19 pandemic. KIIs and focus group discussions using mainly online digital and telephonic communication were implemented to replace face-to-face interactions during the coronavirus lockdowns. They were conducted with selected individuals and representatives of various institutions in government, independent state institutions, non-governmental organisations and academics or research community working in the migration and human rights sectors broadly. We aimed for conceptual saturation with key informant interviews which will be conducted among stakeholders and leaders that are involved with the immigrant communities.

In government specifically, KIIs were conducted with representatives of selected institutions and institutional mechanisms stipulated in the existing policy and legal frameworks. Individual respondents were also selected using a purposive sampling and snowballing strategy, and interviews were conducted until reaching data saturation. This ensured the selection of appropriate informants with required knowledge on the research areas. A semi structured interview guide was designed and adapted for KIIs based on the questions in Table 1.

Again, using the questions in Table 1 above, we developed a guide for focus group discussions. Focus groups discussions consisting of 8 to 10 people per group were planned to be conducted. It was envisaged that these groups could be both homogenous and heterogeneous. Homogenous groups involved specific categories such as South African and foreign nationals. This approach was needed to minimise reticence. The researchers envisaged to conduct a total of a minimum of 4 FGDs in each city (Total = 8 FGDs), Johannesburg and Tshwane: Sunnyside, Marabastad, Hillbrow, Malvern and Jeppestown. However, with the risk of COVID 19 in 2020 and 2021, it was difficult to conduct face-to-face meetings and to organise the original number of FGDs, especially in communities.

Table 2 highlights the institutions that were contacted to recruit study participants.

Table 2: Contacted institutions and organisations/networks (stakeholders)

Institution	Relevance
Department of Cooperative Governance and Traditional Affairs	Business and SMMEs/licensing
African Diaspora Forum	Interest group/network
Nigerian Community in South Africa (West Africa)	Interest group/network
Somali Community in South Africa (East Africa)	Interest group/network
Democratic Republic of Congo (DRC) Community in South Africa (Central Africa)	Interest group/network
Zimbabwe Community in South Africa (Southern Africa)	Interest group/network
Department of Home Affairs	Immigration visas
Department of Public Services	Public service employment
Department of Basic Education	Education and values – social cohesion and tolerance
Department of Sports, Arts and Culture	Social cohesion
South African (or Tshwane) Taxi Driver’s Association	Interest group/network

Department of Justice	Criminal justice system – criminality and prosecution
Southern African Migration Programme (SAMP)	Research group
United Nations High Commission for Refugees (UNHCR)	UN agency for refugees and asylum seekers
Members of IMC-Migration, IMC-Population	Responsible for implementing immigration policy
Wits Centre for Migration	Research on migration
South African Council of Churches	Civil society interventions during violence
Department of Labour	Labour matters
Department of Small business development/DTI	Formal and informal businesses
Department of Health	Health care services for migrants
Safer South Africa Foundation	Registered NPO that deals with safety and crime prevention statistics.
South African Revenue Services (SARS)	Customs and tax matters
South African Police Services (SAPS)	Law enforcement
South African National Taxi Council (SANTACO)-Tshwane	Interest group/network
Consortium for Refugees and Migrants in SA (CORMSA)	Interest group/network
Embassy of the FDR of Ethiopia	Interest group/network
Jesuit Refugee Service	Interest group/network

The health situation between April and June 2021 rendered it unfeasible to conduct FGDs in these three months under no-cost contract extension that HSRC had requested from the Presidency (April to June 2021). As a result, FGDs could only be organised with government officials and KIIs with various individuals who had access to communication technologies and could be contacted by cell-phone or participated in online digital discussions using technologies such as Zoom Meetings. Because of these constraints, local host communities are under-represented in the study, instead a few community members including a community policing forum member, religious and interest group leaders and a ward councillor were included.

Given the protracted COVID-19 pandemic, it was possible to conduct face-to-face fieldwork. Instead, the research team adapted the study methods to conducting online focus group instead of key informant interviews to gather the perspectives of senior government leaders on violence between South African Nationals and African immigrants, as well as policy responses in the country. Participants were invited to the online discussion based on their involvement in the following government structures identified as playing an important role in immigration and social cohesion. They were:

- The Justice, Crime Prevention and Security (JPCS) cluster
- The National Action Plan (NAP) to combat racism, xenophobia and related intolerances implementing team.
- Department of Home Affairs (Immigration Division).
- Border Agency/Management Authority and Inter-ministerial committee (Immigration).
- Social Cluster – Department of Arts and Culture, Basic Education; and Civil society partners.

Three online focus group discussions were conducted with 27 senior government officials from the rank of a Director to Director General in July 2021. These discussions concluded the data collection activity for the “rapid qualitative assessment” which in many respects was disrupted and prolonged by the onset of the pandemic.

4. Qualitative Research Findings

Introduction

Analysis of the qualitative data was guided by two related themes deductively derived from the conceptual framework consisting of three levels of reality (Tella, 2016; Kirik et al., 2015) described above as premised on the assumption that factors triggering xenophobia are often complex and complicated and understandably yield different explanations and distinct perspectives. The two themes are: (a) perceptions on factors that trigger xenophobia in South Africa, and (b) actions taken to curb anti-immigrant sentiment and xenophobia in the country.

Key informants and officials in various government departments and state agencies identified policy, political and institutional factors that they believed fuelled anti-immigrant sentiment associated with xenophobia in South Africa. Additionally, community members and leaders held certain perceptions about the conduct of some foreign nationals ranging from how they enter the country to their economic activities once they have joined host communities. They further referred to actions by some government officials and private company owners whose labour practices they viewed as unfair or even illegal, but favoured foreign nationals, thus creating animosity between “insiders” and “outsiders”. The following section analyses policy efforts by the State including government departments with mandates to address the regularisation of immigrants’ status and their activities in specific spheres of life where immigrants’ and South Africans’ interests seem to be conflicting. The analysis shows limited effectiveness of the current immigration strategy which places more emphasis on state security.

4.1 Perceptions on Triggers of Xenophobia

The findings from previous studies call into question the bipolarity of commentary that labels South Africa as either ‘xenophobic’ or ‘not xenophobic’. Similarly, findings from this qualitative analysis of perceptions about xenophobic violence in Gauteng Province suggests that it may not be possible to effectively prevent and respond to xenophobia in the country by identifying and addressing triggers. What is more relevant is to address persisting relational and structural factors in immigrant host communities in South Africa. For example, as individuals or members of formal and informal aggregations, South Africans have a strong sense of who, among the population, belongs to the country or does not; and the notion of foreign nationals is used for excluding non-members from opportunities as well as antagonising identifiable immigrants.

“Insiders” versus “Outsiders”, nationalism and the xenophobic sentiment

The key ontological question underlying perceptions on factors that influence the anti-immigrant sentiment is inextricably linked to definitions of belonging, nationalism and “Outsider” versus “Insider” in the host communities and other spaces, especially those defined by social mores and laws, and dominated by economic relationships. They include physical settings, and spheres of interactions where state legislation and policies define belonging and legitimate participation such as economic activity.

One of the key informants described the absurdity of xenophobia in South Africa as follows:

“Xenophobia is any negative attitude towards people who are considered as outsiders, whether it is a foreign national or South African national, because we have seen in Gauteng, people who come from Limpopo, like Venda and Tsonga are attacked because people see them as outsiders. So, it is any negative attitudes something that is foreign and it can even manifest in different ways, like violence, discriminations, lack of services...” **(Key informant, Researcher).**

Others described relationship between nationalism and xenophobia. For example,

“Nationalism is about our pride for our country at the exclusion of other countries and should re-inculcate the values of humanity in the society”. **(Key informant, Chapter 9 Institution).**

“I think nationalism does play does part in xenophobia, people misuse the concept or practice to be exclusive and disregard the interest of other people coming outside South Africa” **(Key informant, Civil society organisation).**

“Nationalism is more about South Africa for South Africans, it is a mentality and behaviour that advocates for the exclusion of people that are not citizens of South Africa” **(Key informant, government official).**

There are basically two views regarding the relationship between nationalism and xenophobia in South Africa and both views acknowledge that there is nothing inherently negative about nationalism as it is a form of social identity that can be constructed and deconstructed to produce in-group solidarity or used for exclusionary purposes. Some of the KIIs described nationalism in positive terms as being about love, a sense of belonging, pride, and ownership of a particular country. However, other KII participants from government and civil society stated that negative sentiments were perpetuated by some informal movements active on social media platforms that emphasised the idea that “South Africa is for South Africans”. The concern was with these citizens who are overprotective of their country and have become exclusionary.

Other key informants did not believe that nationalism triggers xenophobia. In essence, just as it is the case with xenophobia, there is no bipolarity about nationalism and its influence on the anti-immigrant sentiment in South Africa. Participants from the civil society were concerned that if nationalism was used in the context of #SouthAfricansFirst and excluded other nationalities then that would be xenophobic. For example, one key informant said:

“We have seen movements advocating for *putting South Africa first*, and not extending opportunities to people who are not citizens, and that in essence is xenophobic. We also saw a march last year or so in Pretoria that was pushing that Nigerians need to go back to their country and stuff like that” **(Key informant, Civil society organisation).**

The shortcoming of this view is its exclusionary outlook that does not allow people who are not citizens of South Africa the political freedoms that global citizens and refugees enjoy by placing implicit constraints to their movement and spaces for participation in different facets of life in society. This sentiment is also associated with the unwillingness of South Africans who feel excluded in society to share. Furthermore, it is also associated with a mindset and behaviour that advocate for the

exclusion of non-citizens; it is one that sustains negative connotations about the being of African foreign citizens and is an effective instrument for encouraging xenophobia.

These participants' views indicated that it was inappropriate for anyone including community and political leaders to use nationalist rhetoric that perpetuates divisions, and this behaviour was a common challenge for implementation of policy and law enforcement. Some KII participants in government and civil society sectors lamented the situation stating:

“Community leaders like headmen and indunas as elders of the community must talk about this; to be integrated in the society – foreign must be active participants – we must see value in the foreign nationals and they [foreign nationals] must also see value in us – we must find each other. All must be patriotic about this country”. **(Key informant, Government official)**.

“The Government has used the issue of migrants to deflect the attention from their failure to provide proper services in South Africa. In order to get votes, the governments blame the migrants so it takes away the attention from itself and what it should be doing instead. Throughout the apartheid era migrants came and worked and lived in South Africa in shocking conditions. We do not have a history of xenophobia in the struggle. Blaming migrants is an easy way to not point at the government failures” **(Key informant, Chapter 9 institution)**

Others specifically stated that it was not the case that South African-foreign nationals' relationships were predominantly characterised by hostility and violence. For instance,

“The media sometimes paints as if South Africans are very hostile towards non-South African, but I do not think it is like that on day-to-day basis. There are tons of immigrants living with the communities with no tensions, they get along and I think that is a positive relationship” **(Key informant, Civil society organisation)**.

Participants who viewed nationalism to be a factor in xenophobia referred to various international factors and national practices which in recent times have tended to emphasise negative constructions of immigrants. In the context of globalised media, sometimes international leaders could also be blamed for triggering xenophobia. As seen with the advent of the coronavirus and the perceptions of the former president of the United States about COVID-19 were said to potentially influence xenophobia beyond the US borders. For example, a KII participant stated:

“A clear example is that of America under Donald Trump who made very xenophobic speeches and blamed Mexicans and Islamic people for drugs and blamed the Chinese for the coronavirus.” **(Key informant, Civil society organisation)**

In some situations, immigrants were viewed as a threat to the imagined societal homogeneity. This is largely against the pervasive notion that the post-Apartheid government has mismanaged border control leading to the influx of immigrants. For example, a participant stated;

“Some might argue that our legislations are contradictory which is a view that has been challenged to a very large extent by the influx of unprecedented high numbers of refugees, immigrants and asylum seekers into the country. When the policy framework was developed for application in a normal environment, what we were confronted with especially from the early 2000, before that there was an excessively large influx. It seems like control was a challenge in terms of application of the policies and the rules that the country had in place.” **(Focus group, Government official)**.

In this case, although the South African society is known for its diversity, some of the study participants indicated that foreigners were changing the demographic profile of the country in ways that threaten to conspicuous change the nation. Their view was that foreign nationals were present in such high numbers that they had become “too visible” as a group with their appearance and languages encountered in every space. Statistics South Africa has projected that of the 1,02 million immigrants received in South Africa between 2016 and 2021, 47,5% settled in Gauteng making immigration a key driver of demographic change in the province (Statistics South Africa, 2018). Majority of the immigrants are from the neighbouring Southern Africa region.

4.1.1 Views on International, Regional and Continental Policy and legislative framework

Immigration policies in South Africa

Globally, countries develop migration regimens that support their commitment to international human rights obligations, protect their political sovereignty and promote their national development goals and values. For example, the Sustainable Development Goals (SDGs 2030) Target 10.7, the United Nations Member States commit to facilitate the “orderly, safe, and responsible migration and mobility of people, including through implementation of planned and well-managed migration policies (UN, 2015). In South Africa, migration has always been intertwined with the social, economic and political life of the people and is influenced by the prevailing milieu in these spheres. Both international immigrants from outside South Africa, and South Africans and their families who decide to move from their place of birth in the country, are attracted to certain areas that are perceived to provide opportunities for better life. Isike and Isike (2012) state that most Africans migrating within the continent find South Africa to be their most preferred destination. The country’s democratic and human rights-based political and legal system as well as its developed economy are some of the pull factors for asylum seekers, refugees and immigrants alike.

The South African Human Rights Commission (SAHRC) held a symposium on xenophobia in 1998. This was part of a larger trend in the late 1990s –a number of civil society organisations (such as Human Rights Watch) released reports on xenophobia in South Africa. The SAHRC report (as with most reports of this type) received a somewhat lackadaisical reception from state authorities and most of the proposals outlined by the report were not adopted.

Beginning in the late 2000s, the South African government began to prioritise the fight against xenophobia through the development of laws, policies and programmes, in partnership with civil society organisations that address migration-related challenges affecting the country alongside the nation-building programme. Some of the challenges that the South African national government faces point to weaknesses in its policy and institutional framework amidst the growing intolerance of immigrants by citizens (Crush, 2008; Gordon, 2016). There have been shortcomings in effectively reducing the incidence of irregular immigration. Local communities are concerned that the South African government ignores their concerns about deteriorating human conditions in various spaces that are perceived to have been “taken over” by illegal immigrants or immigrants who conduct illegal and harmful activities with impunity. Yet what is commonly referred to as criminal activity stems from a variety of factors ranging from envy to disbelief that African immigrants can arrive in the cities

and begin to create a life unlike the local Africans that continue to struggle in the same spaces (Matsinhe, 2011).

The current State response to xenophobia is complex. It consists of formal policy documents, administrative processes and pronouncements by political leaders that lack consistency in their response to immigration and relations between African immigrants and South African nationals. The South African International Migration policy has been in place since 1999 and was implemented through the Immigration Act No. 13 of 2002. For a long time, the policy did not effectively produce intended strategic benefits for the development of the country due to poor management of status determination, residence and citizenship status leading to the review of the International Migration policy in 2017. Existing legal instruments can be categorised into those that focus on regularising immigration through instruments that enable sanctioned movement of immigrants, asylum seekers and refugees into South Africa, and policies that promote immigrants' human rights under the existing international legal instruments.

Post 1994, policy instruments and immigration regulations that enable sanctioned movement of immigrants into South Africa were introduced through highly restrictive immigration laws with the enactment of the Immigration Act of 2002 (Crush, 2008). Although South Africans do not recognise immigrants to be beneficial to the economy, the government has used the immigration policy to address skills shortage while also strengthening training and capacity development of citizens. The immigration law further permits legal cross-border movement of traders from neighbouring countries who purchase goods for resale in their own countries. Since 2009, South Africa granted nationals of some neighbouring countries (Zimbabwe and Lesotho) special permits which provided the government an opportunity to improve on documenting immigrants whose status had for various reasons become irregular. Some of the reasons linked to local population's hostility towards foreign nationals, include nationalist interests such as the desire to restore the integrity of the immigration system, the inefficiencies of which are perceived to have contributed to the increase of irregular immigration in the country; and to reclaim the social fabric believed to be undermined by foreign drug dealers and human trafficking syndicates who operate from various residential and public spaces.

There is a perception that irregular immigration is common in the country, and authorities do not have communication mechanisms to educate South Africans about irregular immigration and how it comes about. For example, South Africa, is a signatory to international and African Union's conventions and protocols on refugees and is as such obliged to provide protection to people who have fled persecution and instability to seek refuge within its borders as refugees or asylum seekers. South Africans who hold anti-immigrant views also claim that irregular immigration has negatively affected the capacity of the State to provide its citizens with services and economic opportunities. The divergence in the views of South Africans and international immigrants about the fluidity of residence status of some of the immigrants and poor differentiation between asylum seekers and refugees, and other foreign immigrants renders the management of people relationships and integration of foreign nationals in South Africa's value system a challenge.

The regional instrument governing refugee protection on the continent is the AU Charter on Refugees also known as the AU Convention Governing the Specific Aspects of Refugee Problems of 1969. South

Africa is obliged by this convention and the UN Convention of 1951 (as modified by the Protocol of 31 January 1967) which is the universal legal instrument relating to the status of refugees and expresses concern for their treatment, life, physical integrity and liberties. In addition, in 1996 the SADC countries signed a Memorandum of Understanding with the Office of the United Nations High Commission on Refugees (UNHCR) “to cooperate in the area of refugees, forced population movements into and within the Region” while recognising that refugees are also an indicator of social and economic disparities within and between countries (SADC, 1998). While the apartheid government would not be obliged to guarantee refugees any forms of protection provided for by international laws, the democratic South Africa observes the prescripts of these statutes.

The South African government’s commitment to and recognition of the normative framework for migration as well as the need to institutionalise practices that do not violate the human rights and security of immigrants was shown when the government hosted the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban two decades ago.¹ The ideals of the Conference’s Plan of Action were clearly expressed as the need for political commitment by international organs, national governments, civil society organisations and institutions to practise non-discrimination and humanity even beyond 2001 – the year that was declared the International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance (United Nations, 2002).

Policy and legal framework on xenophobia in South Africa

South Africa has taken a long time to develop a comprehensive policy response for a social problem that has numerous ramifications for the country locally and internationally. For example, the country missed the opportunity of piggybacking onto the UN World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerances held in Durban in 2001 and did not immediately follow-up with related policy development based on the Durban Declaration and Programme of Action (DDPA). Following several violent attacks directed towards African immigrants in 2015, the South African cabinet commenced formal policy discussions on xenophobia. The National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance (hereafter the 'NAP'), was adopted in March 2019. The NAP signals a clear commitment of the state to combat xenophobia. Developed through a multi-year comprehensive consultation process that involved multiple stakeholders, the plan serves as the nation's guide to eradicating intolerance in South African society. Providing definitive clarity on the issue, xenophobia is defined in the document as an "attitudinal orientation of hostility against non-nationals in a given population" and acknowledges that fellow Africans are often victims of xenophobia.

A targeted set of actions to combat xenophobia have been outlined in the NAP. These include improved immigrant integration, streamlined migration management, better law enforcement, civic dialogue and media engagement. These actions are set to be completed by 2024. On the whole, the NAP is only a technical framework, and development of more detailed anti-xenophobia programmes is needed.

¹United Nations (2001) World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance. Declaration and Programme of Action. https://www.ohchr.org/Documents/Publications/Durban_text_en.pdf

The perspectives of the study participants about legal and policy development and implementation with regard to preventing and responding to widespread xenophobic intolerances in some settings in the country are analysed against this background.

“There is no shortage of legislation and policies with regards to management and treatment of immigrants. In fact, South Africa has the most open immigration policies; unlike in some countries, there are no refugee camps. The policies allow refugees to be fully integrated into society. The challenge is law enforcement, implementation of the policies and community education. The lack of knowledge sometimes leads to xenophobic attacks”. **(Focus group, Government official)**

“There are complaints that people cannot run business in their yards without a permit but down the road a foreigner, is running their business without a permit. The bigger problem is the perception on the ground, and there might not be enforcement. I don’t think the laws are promoting xenophobia, but they are stating that if you run a legal business as a foreigner, you are protected like all citizens. The asylum seekers and refugees by their status are afforded the same protection as the citizens.” **(Focus group, Government official)**

Another key issue is the lack of synergy of current legislation and policies; it leads to inconsistent implementation of policies and their detail are not helpful in an environment where there is little understanding of immigration management issues even among the implementing officials.

“Instead of talking to one another, they tend to be contradictory, e.g., there could be policies that govern the health, education, and social development sectors; no immigrant, refugee or asylum seeker should be denied access to health but there could be another policy that requires that access to national assets should be limited to one category over the other. For instance, the current legislation from the visa side, states that an individual can get a business visa for particular sectors however, certain sectors are only limited to South African citizens. The law permits refugees and citizens alike to participate in the economy, but it does exclude economic migrants from certain sectors” **(Focus group, Government official)**

“The challenge has been in municipalities where asylum seekers are asked for business visas whereas if they have their asylum seeker certificate, they do not need to have a business visa to be issued a business license. We are not generally alerting or educating the public about distinguishing between refugees, asylum seekers and immigrants” **(Focus group, Government official)**.

4.1.2 Views on national legislation and policy influences on xenophobia in South Africa

There are diverse views regarding whether South Africa has laws and policies that adequately address the xenophobia sentiment. Some of the study participants considered the present laws to provide solutions to what constitute grievances of South Africans who mostly live in disadvantaged areas, including informal settlements and township. The solution to the problem would be for officials of various government departments mandated to regularise immigrants’ existence to implement laws fairly and ensure compliance in their administrative roles. Other participants suggested the need for a radical change in legislation that would prioritise and protect the socioeconomic interests of South Africans without violating foreigners’ human rights.

“The legislation is already there, what we need to do now is to tighten and close the loopholes and then enforce it.” **(Focus group, government official)**.

Overwhelming majority of the KIIs stated that South Africa has adequate legislation and policies for economic immigrants and refugees, but there was a lack of communication to inform communities and the willpower for proper implementation.

“Legislation has been enacted to address xenophobia, but it has not had an impact on the day-to-day experiences of locals and their interactions with foreigners is strained and that will always express itself in negative ways. We can track the evolution of this trend from the late ‘90s where there was co-existence between foreign nationals and locals then, it became strained, and lawlessness took the upper hand then we saw explosion of xenophobia” **(Focus group, Government official)**.

In fact, South Africa’s immigration policies were characterised as being open; unlike in some countries, there were no refugee camps in the country. The policies allow refugees to be fully integrated into society and to participate in any legal economic activity, however, members of communities may not be expected to know about these laws due to lack of civic education programmes in this domain. But South Africans are equally discontented because foreign nationals’ transgressions may not be sanctioned.

“Generally, our laws do not exclude immigrants, we create the space, and we are regulating, in certain sectors we want to create space. The challenge obviously is that the ordinary person on the street does not know that, and they see a foreigner doing a certain business on the street and think that ‘this is the work that I should be doing’ and then you get a xenophobic response.” **(Focus group, Government official)**

“The first step to prevent xenophobic attacks is to enforce the existing laws by making people aware that the immigrants who are here, are here legally.” **(Focus group, government official)**

“I don’t think the laws are promoting xenophobia, but they are stating that if you run a legal business as a foreigner, you are protected like all citizens. The asylum seekers and refugees by their status are afforded the same protection as the citizens.” **(Focus group, government official)**

Several key informant interviewees (KIIs) demonstrated knowledge about xenophobia-related legislations and policy instruments. These laws often deal with human rights concerns including prohibiting xenophobia and discrimination in the context of international protection of refugees. They include the Convention Relating to the Status of Refugees of 1951 and its 1967 Protocol which protect all categories of refugees universally and all asylum seekers from being detected. The two together oblige UN Member State “to cooperate with UNHCR in the exercise of its functions... and, in particular to facilitate this specific duty of supervising the application of these instruments” (United Nations High Commissioner for Refugees, 2007 p.7).

Other relevant international and regional treaties as well as local legislations and policies include but not limited to the following: the Declaration of UN World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance of 2001; African Charter on Human Rights of 1981 prohibiting expulsion of foreign nationals; the Constitution of South Africa; the Refugees Act 130 of 1998 [as amended] about the rights of refugees and asylum seekers; Immigration Act 13 of 2002 [as amended]; the National Action Plan (NAP) to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance as well as the National Development Plan (NDP). The

Constitution of the Republic of South Africa has a clause in the preamble which states that the People of South Africa believe that “*South Africa belongs to all those who live in it, united in our diversity*” which expresses a vision antithetical to a xenophobic society. These frameworks are consistent with the Sustainable Development Goal 16, specifically *Target 16.a* and *Target 16.b*.

More often participants referred to the *National Action Plan (NAP) to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance (2019/2020-2023/2024)* as a key policy directive available to address issues related to xenophobia as a form of intolerance and human rights violation. The NAP is the most recent policy statement and an overarching mechanism to co-ordinate and address xenophobic issues comprehensively. It explicitly calls the government, Chapter 9 institutions and civil society to cooperate and commit to work with members of society to eradicate discrimination, promote equality and justice and reject all forms of violence against nationals of other countries in South Africa. The Plan’s focus on xenophobia incorporates all categories of immigrants including asylum seekers, refugees and voluntary migrants from all parts of the world. Despite this general application, the lived reality is that in South Africa the problem of refugees and xenophobia has specific reference to Africans and Asians originating from the sub-Saharan Africa and South Asia regions, respectively. Despite the evidence that majority of immigrants are citizens of the neighbouring countries, the common negative narratives particularly refer to the Nigerians, Somalis, Bangladeshis and Pakistanis in the country.

Although survey results show that the hostility towards foreigners in South Africa cuts across class, sex and racial divides, South Africans do not regard foreigners as a homogeneous group (Dube, 2018). Again, studies have consistently shown that South Africans prefer immigrants from Europe and North America to those from Africa (Crush et al, 2013; Gordon, 2015). For example, Robert Mattes *et al* (2014) found that 31% of respondents supported immigration from Europe and North America, 27% supported immigration from southern Africa and 22% supported immigration from the rest of the continent. In their analysis of the 2006 and 2010 South African Migration Programme (SAMP) survey, Crush et al (2013) found that attitudes towards migrants from southern Africa had improved, with the percentage of respondents reporting favourable impressions of migrants from this region rising from 21% in 2006 to 25% in 2010.

The percentage of South Africans reporting favourable impressions of migrants from Europe and North America remained constant during this period at 21%. In a more recent study of attitudes towards foreigners in KwaZulu Natal, Gordon *et al* (2015) found that African immigrants were the most disliked in the province (the percentage of respondents who reported that they disliked them ranging from 6% for Somalis to 19% for Nigerians). However, it can be argued that, just because some South Africans in KwaZulu-Natal hate some African immigrants from certain African countries, does not amount to Afro phobia. If, anything, it is a continuation of xenophobia, which South Africans in most cases associate with the large number of African migrants in the country. While there are many African immigrants, living in South Africa, the actual number is not known, let alone their economic activity. Hence, when criminal elements from some of these African countries are targeted by local South Africans, some of whom may also be criminals, the public is quick to associate it with Afro

phobia, xenophobia, hate crimes and hostilities. But the reality is that all these can be summed under the term xenophobia, which as mentioned earlier is “a strong feeling of dislike or fear of people from other countries” (Oxford Dictionary, cited in Tshaka, 2016). As a result, this study will consider recent attacks against African immigrants as xenophobic rather than Afro phobic and will attempt to unpack the reasons why these attacks continue to happen despite government’s effort in trying to address them.

The relevant legislative framework deals primarily with regularising the status of economic immigrants, asylum seekers and refugees and providing for administrative procedures that apply to illegal foreign nationals in the country. There is an elaborate legislative and institutional framework for managing national borders control that involves collaboration between the government and the private sector. Some of the key informants suggested that the apparent focus on immigrants and crime deprived the country of opportunities to develop mechanisms for addressing xenophobia, which was not often seen as a crime.

There was acknowledgement from the KIIs that although some of the legislation and policies discouraged xenophobia, these were not explicit enough to ensure protections of foreign nationals. For example, many believed that even the Constitution was silent on the issue.

“We don’t even have a criminal charge for xenophobia. Constitution does not have anything on xenophobia... It should be mentioned in the Constitution. Media interviews, about stealing jobs and taking opportunities. Stereotyping is a challenge”. **(Focus group, Government official)**.

There were silences in policies in relation to immigrant children. The interventions do not necessarily focus on the impact of the trauma caused by xenophobic violence for both South African and foreign children even though it could have long lasting consequences in the form of adverse childhood experiences (ACEs) in the population.

“The children of different migrants especially the unaccompanied minors. They are put in custody due to criminals. There needs to be a consistency with justice system and social development. Education and foster care services should be accessible if they do not have unabridged certificates”. **(Focus group, Government official)**.

Gaps were also recognised in the rapidly evolving virtual space of societal engagement. With South Africa being a liberal country compared to some countries, it was almost impractical to impose harsh policies against xenophobia on South African nationals. Some of the key informants among government officials and foreign nationals pointed out that xenophobia and hate for foreign nationals is pervasive in the country and foreign nationals who are active on social media find that it is common here as well. Some key informants in government suggested that South Africa might need legislation for regulating hate crimes committed using social media.

A key informant stated,

Xenophobia is a wide topic. Xenophobia I see as an attack, a hate against foreign nationals. “Before it used to be only physical xenophobic, now it’s also happening in online. For me I’m active in the social media, twitter and Facebook. Every time I post anything in South Africa, I have been cyber bullied,

instructed to go back to my country. *'Don't comment about our issues. So, we are in a state where xenophobia is now taking the second level when you express your opinion on social media...I can tell you when I tweet something, I could be talking about giving food parcels to a South African, and say that "today I helped 30 families with food parcels", and a South African would say 'don't help our people, go help your people', 'We have enough of you'...* So now, this #PutSouthAfricaFirst that's trending, it's like a Hitler group that are not armed..." **(Key informant, Foreign national activist/leader).**

One KII stated that South Africa is perceived as characterised by lawlessness, a situation which some immigrants took advantage:

"...a sort of a banana Republic' with sort of lawlessness that is prevailing in the country. It is crucial to tighten the legislation and the enforcement mechanisms" **(Key informant, Civil society organisation).**

To ensure that the policies and legislation are implemented effectively, monitoring and evaluation is a critical tool that could be enhanced by Chapter 9 Institutions through their oversight role. It is important to also abide by international conventions and protocols to eliminate hate crimes and speech including racial discrimination. The KIIs from the civil society emphasised that policies for preventing xenophobia should be inclusive and explicit.

4.1.3 Perceptions about factors that trigger xenophobia: *Illegality and Crime Narratives of Immigration*

In South Africa a widespread anti-immigrant narrative is that international migration has a strong relationship with crime levels. In a recent study, Gordon (2018) found that stereotypes about the harmful impact of international immigration were powerful drivers of public antipathy towards foreigners. Many people stereotype immigrant communities as inherently criminal and public opinion data show that a majority of the adult population think immigrants push the rates of crime in the country up. During the period 2008-2018 South African Social Attitudes Survey (SASAS) respondents were asked if they agreed or disagreed that foreign nationals increase crime rates. Approximately two-thirds of the adult public perceived international migrants as detrimental to public safety. Responses to this question did not fluctuate noticeably over the period implying the stability of this stereotype. Alongside economic concerns, alleged criminal tendency of foreign nationals was one of the most common reasons given to rationalise outbreaks of anti-immigrant violence (Gordon, 2019).

Greater scrutiny of harmful stereotypes of foreign immigrants voiced through the media, by politicians and national leaders is provided. Stereotypes about international immigrants are common in South Africa and two of the most pervasive stereotypes concern the economic impact of migration and the other relates to the influence of immigration on crime rates. In this report, we will discuss these stereotypes in more detail by describing the ecosystem consisting of opportunistic political leadership; weak institutional capacity and coordination in asylum seeker system management; complex immigration legislative and policy instruments; implementation challenges; corruption and exploitation of immigrants.

Stereotypes by some political leaders about immigrants

Study participants including Klls in government and civil society organisations, and community leaders in a Gauteng ward indicated that political leaders including traditional leaders played a role in some of the past incidents of xenophobic violence by either discouraging or supporting stereotypes about immigrants. For example, on the one hand, some key political figures in South Africa such as former ministers and former presidents, are associated with the view that it is wrong to associate all crimes in South Africa to undocumented or African immigrants. On the other hand, there are senior politicians in the ruling party and the opposition who are known for making claims that antagonise foreigners on social media, even though some will emphasise governance concerns.

For example, Klls from the civil society sector and in government stated that all categories of political leadership in the country have previously made discriminatory statements about foreign nationals:

“There is no leadership peddling the positive narrative about the foreign nationals. Leaders often peddle negative narrative against foreign nationals. The communities listen to their councillors, they believe what their leaders are saying. The recommendations were that we need to have programmes to sensitise, even leadership including councillors, church leaders and other prominent leaders. Programmes that enhance positive narrative about foreign nationals need to be implemented. All departments have a role to play in preventing xenophobia. Multi-disciplinary approach is required.” **(Focus group, Government officials).**

“[The Premier] spoke of a bill that aims to exclude migrants from the mainstream local economy and the former Joburg Mayor [name] blamed foreigners for hijacking buildings and so forth and such remarks can fuel xenophobic attacks” **(Key informant, Civil society organisation).**

“[Former Joburg Mayor] used to blame foreigners for the bad things that are happening in Joburg, and now the Premier in Gauteng is pushing an agenda to exclude foreign nationals from being part of the local economy around Gauteng.” **(Key informant, Civil society organisation)**

“The same can be said about the late Zulu King who once made a statement that foreigners in Natal and the rest of South Africa are causing some problems. It goes back to scapegoating that some leaders put too much blame on foreigners and influence communities’ view about foreigners and see them as the causes of problems in the societies.” **(Key informant, Civil society organisation)**

Some study participants were concerned that unfounded allegations by leaders did not build social cohesion; they triggered xenophobia because people listened and followed what was alleged on social media platforms.

Criminality, corruption and institutional weaknesses are linked to xenophobia

“When government gives business permits to illegal immigrants, it contributes to xenophobia.” **(Key informant, Ward councillor)**

The literature on how people in power and authority contribute to xenophobia in South Africa has been one-sided; mainly focusing on the negative narratives driven by some of the leaders in society (Moyo & Zanker, 2020). This study also places focus on the view that illegal actions by state officials laid the foundation for violation of human rights and vulnerability of immigrants, as well as assisted

underhand actions by some foreigners to undermine state policies. South Africans who view corrupt relationships between officials of state and immigrants as disadvantaging locals develop mistrust towards immigrants and question legality of their livelihood endeavours.

Some study participants agreed that some government department practices encourage xenophobic attitudes. KIIs including community leaders blamed agencies such as the Department of Home Affairs (DHA), metro policing and small business licencing for not executing policy and legal instruments for managing immigrants, but also treating them unfairly. South African government officials and a foreign national key informant stated that immigrants were exposed to state harassment:

“Home Affairs treat African foreigners badly and sometimes they want bribes from immigrants and then the citizens learn and follow the same ways, which then causes violence between South Africans and foreigners.” **(Key informant, II, foreign national religious leader)**.

“Active foreign nationals such as the Somali foreign nationals are contributing to the economy in this country. The government of this country is an important pillar of the society. So, regulation of abuse against foreign nationals is highly needed in this country. So, you find that some government officials are xenophobic. Even...a minister (national), a lot of MPs in this country have made serious comments against foreign nationals, and that’s something that is [not] right. We have to take it seriously...” **(Key informant, foreign national activist/leader)**

While institutional incapacity was noted as the main reason the laws were not applied consistently, various study participants also underscored the role of corruption which tends to facilitate criminality and negative perceptions about immigrants.

“It (DHA) is not doing what is supposed to be done. For instance, DHA is the weakest link because it does not have enough resources to deal with illegal migration. Also, corruption in the department is a major challenge for the state in managing migration... And the fact that illegal migration is not a priority (KII – Government official).

“Yes, Home Affairs ill-treats foreign nationals when they go to apply for or renew permits and visas.” **(Key informant, Government official)**.

“If there are policies, and if top government officials can speak with one voice and pass the message to councillors to give to the communities that we are brothers and sisters, regardless of where we come from, this will help a lot. This also means dealing with corrupt practices and treating everyone equally... When government gives business permits to illegal immigrants, it contributes to xenophobia.” **(Key informant, Ward councillor)**

Some of government institutions that were blamed were South African Police Service (SAPS), COGTA and municipalities and the Department of Small Business Development. These government departments were criticised for not following the laws; consequently, foreign nationals were treated differently or unfairly.

Illegal (undocumented) immigrants weaken the social fabric

Many study participants considered weak immigration management processes as encouraging undocumented immigrants to commit criminal acts without fear to be prosecuted. The recurring

concern among South Africans who were interviewed was that some foreign nationals, particularly those who were in the country illegally were involved in criminal activities. They were responsible for human and drugs trafficking.

However, some key informants indicated that peaceful coexistence between South Africans and immigrants was realised when foreign nationals acted as part of host communities, as it was the case in 1990s. Although they categorically stated that they distinguished between “insiders” and “outsiders”, they also pointed out the ways through which social integration happened, leading to less tensions. The primary process was being documented and being in the country legally. Majority in this category were viewed as law-abiding and contributing to socioeconomic development of the country, sometimes in partnership with South Africans. Integration also occurred through intermarriages and settling among locals. Mistrusted foreigners maintained their own tight networks and created distinct communities, sometimes living exclusively from the majority host communities.

With South Africa being the leading destination for 2.9 million immigrants in the Southern African Development region (SADC, 2020), study participants recognised that foreign nationals and immigration contributed to the country’s local and national economies. The key challenge, however, is undocumented asylum seekers and immigrants as this category of foreign nationals is associated with crime perpetration. Without state identity documents, their activities are difficult to monitor and they entrench themselves in informal and illegal activities to survive. These concerns were raised by local, provincial and national officials alike. For example, government officials, community members and leaders in the East Rand note:

“Initially legislation was very clear on the dos and don’ts for foreigners... Where it became a problem is when legislation failed to block crime... Criminality became a feature of how some foreigners operate in the country then locals in the community were the first to react because they could see it and were experiencing it on a day-to-day basis. Crime convoluted the relationship between foreign nationals and locals. No amount of legislation could prevent communities from taking it upon themselves to express their dissatisfaction with the status quo and that becomes a labelled xenophobia whether in day-to-day discourse or through the media or other labels”. **(Focus group, Government official)**.

“Undocumented African immigrants know that they have nothing to lose. They promote drug trafficking, crime, and prostitution because these practices are as illegal as they too are. If they happened to be caught in the act, they bribe the law enforcement officials both for the crime and for their illegal status in the country and the case ends there. But if they are documented like those with work permits, permanent residence and study permits, government can easily trace and arrest them **(Key informant, Community member)**

While some of Gauteng South Africans blamed African immigrants for increasing crime in the form of sex trafficking and drugs in their communities, they were also aware that law enforcement officials contributed to the problem. This notion was echoed by one of the ward councillors in the City of Ekurhuleni who noted:

“South African law enforcement officials are failing the people they are recruited to serve and protect. I cannot count the number of times that illegal or undocumented criminals have been released a day or two after detention. In most cases, the police will tell the South African community that there was not enough evidence to prove the allegation against the undocumented foreign criminals and as a result they cannot continue to keep them in detention. However, community members know that it is not about lack of evidence. It is because these undocumented African immigrants have bribed the police with the money raised through illegal means. When you see South Africans heating a foreign immigrant to death, it is because they have lost trust in the police. The police work hand-in-hand with these immigrants and that is a major cause of tension and violence” **(Key informant, Community member)**.

These perceptions may also be fuelled by media reporting on crime which often involves profiling of non-South African suspects and perpetrators of crime. Research by Gordon (2019c) suggests that according to respondents of the South African Social Attitudes Survey (SASAS) conducted by the Human Sciences Research Council in 2018, criminal behaviour of foreign immigrants was the major causes of anti-immigrant violence in South Africa. Some research shows that media reporting and political rhetoric promote the perception that foreign immigrants significantly contribute to the high levels of crime in the country (Kollamparambil, 2019). Such narratives can contribute to xenophobic violent behaviour and entrench the mindset about the citizens of other countries.

The view associating African immigrants and illegal trafficking of drugs, economic crimes and prostitution is not new; the SASAS reports that about two-thirds of South Africans attribute crime to international migrants, including African immigrants. Contrary to the perception, quantitative research involving multilevel regression estimation of perpetration of five crimes across 231 municipalities in South Africa found no evidence of crime resulting exclusively from international migration, except with regard to property crime (Kollamparambil, 2019). If anything, the research suggests that other factors such as income inequality contribute to frustration and crime than the activities of undocumented African immigrants.

The aforementioned findings were found to be consistent with data from other countries (USA), which also show that international migration does not affect levels of crime in a country (Ousey & Kubrin, 2018). But, if undocumented African immigrants contribute to crime, as the local authorities, community members and government officials explained, it is a challenge that points to weaknesses in the functioning of institutions and negative behaviour of those who are responsible for making the South African immigration policies effective. The finding also questions the value of interventions that place primacy on law enforcement as a solution to immigration issues and xenophobic violence. As some study participants indicated, the solution lies in prevention and social integration programmes that entail information and education providing a balanced narrative about immigrants in general, and those who are hosted by economically disadvantaged communities in South Africa.

4.2 Perceived lack of actions to curb anti-immigrant sentiment and ineffective measures

Study participants expressed a concern that even if the legal and policy frameworks promote peaceful coexistence of foreign nationals and South Africans, programmes that provided knowledge about these matters have dwindled. For example, the Medium-Term Strategic Framework (MTSF) for 2019-2024 and the National Development Plan include Social Cohesion and Safer Communities goal and mandate state organs and government departments to realise this outcome through various programmes. Some of the key informants stated that, despite their departments being among the stakeholders in the implementation of legislative framework that directly or indirectly influences intergroup relations between South Africans and immigrants, they do not have programmes that promote awareness about the rights of the different categories of foreign nationals. For example, the government officials stated:

“There is no knowledge even when dealing with spaza shops”. **(Focus Group, Government official).**

“The DoJ does not have such programmes that help distinguish between the three [refugees, asylum seekers and immigrants]. There is room for such programmes” **(Focus group, Government official).**

“Government is creature of habit that operates in bureaucracy, the DHA is responsible for leading anti-xenophobia campaigns in hot spots. Prior to that normally there is interactive dialogues with the community that were held under the same roof with foreign nationals and South Africans.” **(Focus Group, Government official).**

The Refugee Amendment Act (gazetted in December 2020) assists the Department of Home Affairs to manage asylum seekers including through restrictive time frames to report to a Refugee Reception Office, exclusion from refugee status and withdrawal of the automatic right to work and study. Despite the enactment of the law, the participants agreed that most South Africans including officials in some instances, could not distinguish whether a person is an asylum seeker, a refugee or an immigrant; or if they were in the country legally or illegally. It seemed that regardless of whether a person had legal documents or not, South Africans perceived them the same as long as they are from other countries. A study participant in a focus group discussion stated:

“Distinction [between refugees, asylum seekers and immigrants] is not clear, regardless of who you are, you are regarded as *umuntu wangaphandle* [a person from outside] whether documented or not.” **(Focus group, Government official)**

While the label would not necessarily lead to xenophobia, among South Africans, the perceived lack of knowledge about different categories of immigrants was considered a crucial gap because of the default assumption that foreigners were in the country illegally, and therefore did not have rights to economic participation. Although the amended law regulates asylum seekers' participation in formal employment and education, providing understanding about these provisions in communities will yield harmony and give assurance to citizens that the DHA was exercising control in this sphere. As officially stated, the Amendment Act is addressing the need to safeguard national security through admitting legitimate asylum seekers and refugees and protecting the asylum system from those who abuse the system (Hobden, 2020). Although the appropriateness of the security-centred approach is criticised (Hobden, 2020; Moyo & Zanker, 2020) perhaps it is the potential reconciliatory effect of this legislation that we could consider as well. For South Africans who consider the government to

have neglected border control and allowed deterioration of security, it could be possible that through effective implementation and reporting of progress, the Amendment Act could in the long run eradicate the illegal asylum seeker phenomenon and associated intergroup competition for socioeconomic opportunities among “unskilled” workers. Even for the lauded post-Apartheid refugee law, the DHA has been criticised for poor implementation.

The Department of Social Development, as part of raising awareness on immigrants’ issues, has the inter-ministerial committee led by the Population Policy Division which developed a programme aimed at empowering municipalities to understand, how to access data on migration and how to integrate migration issues into their Integrated Development Plans. They worked with COGTA to conceptualise a capacity building programme which was initiated approximately five years ago. The programme is being currently rolled out by a service provider and one of its goals is to explain basic concepts around the issues of refugees and asylum seekers. The programme has empowered many municipalities to understand the differences in migration terms so they can design their context-specific programmes.

The unpredictability of what could trigger xenophobic attacks remains a challenge for the government; it makes it difficult to put measures to prevent it in place. The various episodes of xenophobic attacks in South Africa have been reported as having been triggered by different issues. The socio-economic issues are perceived as the underlying cause, however, the first 2008 xenophobic attacks were said to be caused by a different issue from the 2019 attacks that were perceived to be triggered by concerns about illegal drugs. Participants in a focus group stated that it was a challenge for the government to deal with an issue that has an ill-defined cause.

4.2.1 Absence of preventive measures in anti-xenophobic interventions

Some participants highlighted that since triggers of xenophobia were multi-faceted and difficult to anticipate or predict, there was a need to strengthen the prevention pillar. This approach will depend on a working early warning system similar to what participants colloquially referred to as a “mood reader”, which would trace and assess the general immigrant sentiment at any point, assisting authorities to proactively target xenophobic interventions.

“The approach has been reactionary. There is a need to strengthen the prevention pillar. Capacity building, training and dialogues that have been talked about. The crucial thing to do is to develop an early detection mechanism like in the struggle days where there was a ‘mood reader’ of sorts from the people on the ground so that the violence is prevented before it erupts. And then have a rapid response to that. More efforts could be placed on such tools or Apps such as the one by the Ahmed Kathrada Foundation”. **(Focus group, Government official)**

As another participant also stated,

“Xenophobia is like a virus with mutations, when you think you have got the finger on the pulse then you discover the root cause is something else.” **(Focus group, Government official)**

Unfortunately, initiatives that were coordinated by the Presidency in the past and promised to be effective social cohesion instruments, such as the Moral Regeneration Project, failed at implementation stage because leaders in government and other stakeholders did not have a sense of unity among them. Some participants contrasted the commitment of the government and society

to address xenophobia with the level of solidarity shown in response to the novel COVID-19 pandemic and argued that with the former, there was lack of unity and political will.

“A moral regeneration flagged in the Presidency was a powerful social cohesion intervention but could not take off from the ground. Dots must be connected and all government leaders must stand together united and should break down the silo syndrome. COVID-19 has forced all community leaders including opposition parties to work together to wrestle with the virus that has wreaked havoc in the country, and they can do the same with xenophobia phenomena” **(Key informant, Chapter 9 institution)**.

The common view was that legislative and policy framework adequately addresses border control but asylum seekers still spent a long time before they could be regularised, and poor governance led to disorderliness in this stream. For some participants the challenge of illegal immigrants includes asylum seekers who remain undocumented as it is difficult for them to be integrated into communities without “documents”. It is uncommon for government departments to communicate with local authorities in host neighbourhoods about new arrivals. Overtime some of them face challenges with livelihood sources; they become marginalised and involved in crime.

“Porous borders are a challenge. Addressing the fragmented approach to asylum seekers and refugee protection, we need to have an integrated collaborative approach across the three spheres of government because even at municipal level there are issues of by-laws. These should be streamlined and collaborated...” **(FGD participant, Government officials)**.

The state’s capability to resolve the challenge of illegal immigrants will reduce their vulnerability to the stigma related to their assumed “illegal status” and exploitative practices associated with such vulnerability. It should also raise awareness about immigration, acknowledge the strained locals’ and foreign nationals’ relations and resolve them. Clearly, with intergovernmental relations strengthened to address immigration and development, the country can begin to have balanced representations of immigrants and their contribution to their local communities and society. Participants highlighted the lack of programmes that operationalize links between immigration and social cohesion but also failure to integrate these themes in policy documents across all spheres of government.

“We work with municipalities and in their IDPs, social cohesion is one of their outcomes. They need to report or share programmes that they are implementing, which address social cohesion. Those are concepts that are closely linked, or closer to this concept. The information that you often see, it’s quite minimal. We have not experienced community engagement or civil society engagement with such issues. As a department we conducted an assessment, it was ministerial, trying to understand, how people view migration and all issues that are attached to migration. The assessment confirmed that people know very little about migration and concepts that are attached to it. What we are doing is not enough, though we are engaging municipalities.” **(Focus group, Government official)**

4.2.2 Lack of engagement through information and education for communities and implementing departments

There is a lack of information and educational programmes that can help South Africans to understand the country’s immigration policies and challenges better, as well as to distinguish between refugees, asylum seekers and immigrants. Similarly, lack of deliberate social integration

programmes for foreign nationals who settle in the country has led to inter-cultural prejudices and biases thus impeding cooperation and mutual understanding between foreign nationals and South Africans.

A few programmes that are being implemented have limited coverage and were only initiated recently. Even though, there is an interdepartmental committee within the Department of Home Affairs, and laws that deal with immigration issues, the interviewed officials were of the view that more could be done to popularize these laws. There was a need to raise awareness in communities, particularly where immigrants settle in numbers, with regards to distinguishing between asylum seekers, refugees and immigrants. It was also reported that the Department of Home Affairs was reviewing its International Migration protocols to be inclusive of refugee protection and was also reviewing the Refugee Protection Act (completed) with the view to improve it according to benchmarked practices in countries such as Kenya, Tanzania, Canada and Germany. Even though, there is an interdepartmental committee within the Department of Home Affairs, and laws that deal with immigration issues, the officials felt that more could be done to enhance asylum seekers and refugee protections; including to popularize the laws and raise awareness in communities with regards to ongoing legal reforms in the sector. The general perception was that there was a lack of awareness among citizens about what distinguishes asylum seekers and refugees from immigrants, and this was a common problem among ordinary citizens and officials alike.

“Rules must be clarified for people to know and understand. There must be proper monitoring and report to parliament. There should [also] be civic education about policy and migration, discrimination and there must be advocacy” **(Key informant, Government official)**

“The government should work on engaging communities that receive a lot of foreign nationals. They must find out their views about [foreign nationals] and what they think should be done. People should be involved in decision-making and policy formulation especially the ones that seek to address issues of xenophobia”. **(Key informant, Government)**

Some of the participants indicated that South Africa’s liberalised economy disadvantages citizens and provides foreigners a loop hole to trade illegally without being detected. The informal trading space in residential areas and urban centres are loci for tensions and the reasons include the perception that existing policies do not favour or protect locals’ economic interests by reserving certain trade licences for citizens; law enforcement agencies and officials are lenient with foreign nationals who break trade laws; and foreign traders have created an unregulated economy sustained through irregular sourcing of goods thus making it impossible for local competitors to successfully run business. The economy is perceived as overly liberalised.

“Unlike in other countries where there are refugee camps and rules for participating in the economy are strictly enforced. Other countries are stricter, but our Constitution is open. Nigerians have taken over, and they support one another.” **(Key informant, Government official)**

“SA did not adopt encampment [policy], for economic livelihood they [foreign nationals] can pursue activities, but they are integrated in the communities. Unfortunately, that only happens in the lower levels. Informal space is relaxed unlike in other countries where there are rules in camps. There are

rules in participating in the economy. In SA, rules are there but were never enforced. SA fell short” **(Focus group, Government official).**

“Outsiders do drugs and crime and this has a negative effect on the community. Most foreigners run brothels where they recruit young South African girls to do drugs and prostitution, which is not good. Also, the fact that some South African companies prefer to employ foreigners than local South Africans is a bitter pill to swallow for most South Africans who are unemployed and looking for work but cannot find it.” **(Key informant, Ward councillor)**

Botswana was cited as an example of a democracy that enacted a law which reserves certain domestic trade activities for citizens. The Trade Act No 25 of 2019 (Section 17) empowers the Director responsible for domestic trade in a council area to “declare a trade or business to be a reserved trade or business...that only citizens or companies wholly owned by citizens shall be entitled to carry on...in such area of the country as may be prescribed or from such premises as may be prescribed” (Botswana National Assembly, 2019).

Following the South African xenophobic attacks in 2019 that were triggered by alleged drugs trading by foreign nationals, Botswana immediately enacted an amended legislation (the Industrial Development Act of 2019 and its Regulations of 2020) for domestic trading, where business activities in various sectors of the economy became only reserved or “ring-fenced” for Botswana citizens (Botswana National Assembly, 2019; Ndebele, 2021). Since the same has not happened in the country, South Africans feel resentment seeing discrepancies in how government institutions seem to fail in enforcing the law where foreign nationals are transgressors. It is within this context that the International Migration Amendment Act of 2020 would be viewed as likely to address domestic economic interests of citizens, that is, if effectively implemented.

“If the government did something similar to what Botswana government did, then access to economic assets would be safeguarded and thus xenophobic responses from the community would be avoided.” **(Focus group, Government official)**

Clearly, government officials who compared Botswana and South African trade laws in terms of exclusions misunderstood the local terrain. However, the participants’ view that immigration required an all-government approach to eradicate recurring implementation challenges needs consideration. Government officials in focus groups criticised government policy implementation for being fragmented and officials who are not empowered with knowledge pertaining to the law:

“The 1991 legislation has gaps ...frameworks around implementation need to be strengthened. The other gap is that whilst it is a national legislation it devolves powers to municipalities on how to monitor and enforce the issuing of business licenses. The impact of that is there are too many variations throughout the country. It’s a concurrent function. There is limited guidance in how to manage this legislation.” **(Focus group, Government official).**

“Laws are there but implementation is a challenge. Protestors at UNHCR by legal refugees that impede the rights of residents through impunity, the matter is referred to DHA but that should not be the case regardless of who is breaking the law. That creates resentment amongst South Africans. Everyone in the country has the same rights and obligations. How do we deal with that as the whole governmental approach? There should be monitoring and evaluation”. **(Focus group, Government official)**

“The challenge is the application, but legislation is there and differentiation also there but might need to be further clarified. Officials need to be further trained to understand it. The immigrants are also aware of what documentation is required but they may get harassed whilst the process of renewing or getting documentation is taking too long. **(Focus group, Government official)**

The study participants associated immigrants with issues pertaining to legal and policy concerns in various ways including as perpetrators, beneficiaries and victims of illegal practices by institutions and individuals. Weaknesses in law enforcement, for example, failure to monitor local companies and industries that employ African immigrants who are paid below sectoral minimum wage to South Africans leading to the latter’s economic marginalisation can be improved. The implications of employing vulnerable African immigrants is that South Africans are left unemployed and as ‘insiders’ most of them find it difficult to accept that opportunities which they consider theirs are slowly but steadily being taken by African immigrants. This is identified as a potential source of resentment and conflict between the two groups. Poor understanding of policies that apply to refugees and asylum seekers on the one hand, and economic immigrants on the other in relation to business and trade venture licensing contribute to tensions in disadvantaged communities that have few opportunities and their livelihood depend on economic settings that are known to be competitive and prone to violence, such as urban taxi ranks.

South African officials, members of local communities and foreign nationals in Gauteng seem to agree that some foreigners contravene laws at the expense of citizens’ wellbeing. At community level, the findings illustrate complexities of ongoing challenges faced by South Africans and how these directly or indirectly fuel tensions, and by extension violence. For example, South Africans who were interviewed in the East Rand region in Gauteng, believe that African immigrants have destroyed their communities with drug trafficking, crime and sex trafficking of young girls. Some nationalities are notorious for brokering criminal activities in poor economic communities. Nigerians are stigmatised as drug syndicates and these unwelcomed social markers trigger xenophobia and compromise trust among South Africans and foreign nationals.

As one of the councillors in the City of Ekurhuleni notes:

“Outsiders do drugs and crime, and this has a negative effect on the community. Most of our children’s lives have been destroyed by drugs. Some have dropped out of school, and we don’t know where they are. In some cases, young South African girls who were declared missing or whose parents never knew their whereabouts were discovered in brothels run by Nigerian drug dealers in Kempton Park. This is certainly not what South African parents want for their children. I can go on and on...” **(Key informant, ward councillor).**

Even those who consider the problem to lie in the influx of immigrants identify weak implementation of law to be at the core of the xenophobic sentiment.

“Initially legislation was very clear on the dos and don’ts for foreigners coming into the country but with the flood and the massive competition for scarce resources it became a bit strained but not to the extent that it could express itself in xenophobic violence. Where it became a problem is when legislation failed to block crime and it could not be enforced”. **(Focus group, Government official).**

Eradicating lawlessness in the host communities prone to tensions that manifest in violence between locals and immigrants, and from economic sectors that provide scarce employment and trading opportunities that may involve such inter-group competition, is critical to eliminating violence between foreign nationals and South Africans. Such efforts will be strengthened by social programmes that focus on building trust and social cohesion among various actors in these settings.

4.2.3 Institutional coordination is weak and interventions are unsustainable

Many participants indicated that the country was taking some action to combat xenophobic violence through effective migration governance. However, government officials working in institutions with a mandate to address immigrants' human rights acknowledged that the efforts of these institutions were insufficient to eradicate xenophobia. A major shortcoming in the system was lack of coordination and policy focus on immigration as a development phenomenon, hence poor planning to lessen intergroup tensions. A structure such as Border Management Authority has taken extremely too long to legislate (July 2020) and institutionalise and provide reinforcement to the Department of Home Affairs. Its purpose is to improve inefficiencies by managing centralised border functions of the Department of Home Affairs and coordinating aspects of the South African borders managed by different government departments (Maunganidze & Mbiyozo, 2020).

As the key informants indicated, the existing efforts will be strengthened by the effective Border Management Authority:

“Our institution works closely with government departments. A case in point is the DHA, which meets with us on regular basis to address issues pertaining to foreign nationals. **(Key Informant)**.”

Many participants emphasised that various institutions focused on ensuring control immigrants and were security and crime prevention oriented. It can be ironic that despite the reported high level of intentionality on crime prevention, from the perspective of many officials, one of the factors leading to violence between South Africans and foreign nationals was a common perception among South Africans that the government was not doing enough to secure the borders with both immediate and regional neighbouring countries; as such many undocumented immigrants in the country perpetrated crime with impunity.

The socio-economic conditions in South Africa such as rising unemployment exacerbate xenophobia. Relations between employers and employees in the sectors governed through the national minimum wage guidelines are particularly affected by exploitation. Some employers in the wage economy lower labour costs by employing foreign nationals using an illegal remuneration system that South African working class reject. In a way, this practice promotes the narrative that local workers are selective and avoid menial jobs to their own economic detriment while the real issue could be unjust practices used to sustain some formal business that depend on unskilled labour.

“They [foreigners] take South Africans jobs in companies. Foreigners accept to work below the minimum wage, thereby making companies and employers not to care about local South Africans. This

contributes to all sorts of social and economic problems in our community.” **(Key informant, Ward councillor).**

Members of society from poor socioeconomic backgrounds view immigrants as exacerbating some of the pressing social problems such as crime and unemployment in their host communities. The major concern raised by the study participants was that immigrants committed economic and social crimes with impunity because the mandated institutions were weakened by poor capacity, unethical and illegal administrative practices when they implement or enforce laws. The perception that illegal immigrants were involved in heinous crimes that negatively affected social cohesion in immigrant-receiving communities should be prioritised by all relevant institutions in government and state, civil society and business. South African nationals clearly compare themselves to immigrants and believe that contrary to various research reports that the latter were treated with antipathy in the country, they actually have better access to state using corrupt means. At the political leadership level, the narrative has been imbalanced by either negative representations of African and Asian immigrants or silences around their positive contributions to South Africa.

5. Concluding policy issues and recommendations

The State inertia on xenophobia has been the main criticism by the media and the government has been accused of 'xenophobia' denialism by many in the press (see Gordon 2019a). In the early days, anti-immigrant violence was viewed as isolated incidents reported by the media and not much was said of the attacks (Crush & Pendleton, 2004). What critics did not highlight as a constraining factor in government's ability to act against xenophobic violence was lack of an effective policy and legislative framework that addressed all issues pertaining to the behaviour comprehensively. Effective immigration management including integration of immigrants and asylum seekers who select to settle in South Africa require an all-government approach to eradicate recurring implementation challenges.

Even government officials criticised government for poor policy implementation that is largely fragmented and dependent on officials who are not empowered with knowledge pertaining to the law. This report highlights the manifestations of this vacuum and poor coordination of various government entities and levels of government which have allowed the emergence of lawlessness, particularly in economic activity. Some immigrants, government officials and business owners individually or in partnership with one another, exploit the weaknesses of the immigration ecosystem for economic gains. There is a negative strand of nationalism that is used to express xenophobic sentiments across society including on social media platforms and it can be easily mobilised to give traction to issues associated with foreign nationals in whatever way.

The NAP is silent on how South Africans can raise legitimate concerns about practices including administrative and labour practices in relation to immigration that may jeopardise social cohesion, without resorting to radical and harmful actions. This level of sensitivity is necessary and it can enable the established mechanism of Inter-Ministerial Committees (IMCs) – the IMC on Migration, the IMC on Social Cohesion and the IMC on Population Policy IMCs to identify early warning signs of

xenophobic hate crimes. The IMC on Migration is a critical part of the government's strategy and its members could use research findings on the underlying causes of xenophobic tensions to map communities and other public spaces according to identified causes. With the assistance provided by intelligence information gathering agencies of State and civil society organisations that constantly feel the pulse of communities, the IMC on Migration should be able to mitigate the onset of these tensions. Reliable early warning systems are necessary. There should be a dedicated emergency reporting system for xenophobic threats in communities and public spaces confidentially as it is the case with other forms of violence.

It became evident from the findings that there are laws and policies which seek to deal with issues pertaining to xenophobic. These legislations are derived from the Constitution and international policy frameworks on the protection of foreign migrants, asylum seekers and refugees. There was a strong feeling among the participants that relevant legislation and policies were available even if they were not explicit about issues of xenophobia. This situation makes it relatively easy for South Africa to oblige by the international laws and address the legal dimension of all foreign nationals' rights. The government should, however, strengthen governance and oversight to address corruption among officials responsible for implementing the laws in different sectors of government such as asylum seeker permits, domestic trade licensing, and business zoning certificates.

The underlying factors to this form of intergroup violence are complex requiring integrated mechanisms that recognise immigration as interlinked to external and internal political and economic processes that have the potential to undermine the integrity of South Africa's efforts to sustain development premised on the rule of law. Part of the strategy should be addressing the challenge of undocumented immigrants, regularise the status of immigrants who qualify to be integrated into the South African society, as well as effectively manage immigration of those who do not qualify. In 2018 South Africa implemented a four-year Zimbabwe Exemption Permit (ZEP) and in 2019 the government introduced the Lesotho Exemption Permit (LEP). The ZEP and LEP replaced the initial special dispensations for citizens of the two countries to stay in the country for work, study or run business. Monitoring and evaluating these policy directives when they end in 2021 and 2023, respectively; to assess social cohesion, economic productivity and tax revenues domestically is critical. Such an assessment would illustrate the impact of these policy provisions on illegal immigration and overall economic growth of the South African economy.

The government and its social partners need to develop programmes that will foster reconciliation among immigrants from Africa, Pakistan and Bangladesh with South Africans by addressing injustices and oppression inherent in xenophobic violence and its perceived causes. The high levels of mistrust and wide empathy gap between South Africans and immigrants are a threat to social capital building among these groups. Community leaders in collaboration with civic organisation should be in the forefront of tackling xenophobia. Awareness of human rights is critical and migrants and refugee rights should be protected. There is a need for better education and advancement of social cohesion and inclusive society values through social integration programmes. Such initiative should provide

members of communities with opportunities to interact and collectively address issues that divide South African and foreign nationals through dialogue (John, 2020). It is also important that there are remedies in place for resolving social ills largely due to abuse or scarcity of resources and opportunities. The main issues of concern to be addressed in order to prevent xenophobia are unemployment and unfair labour practices, inequalities, sexual crimes and drug dealing, poverty, and also lack of knowledge about immigration among the citizens. It is clear that tensions are created by underhand dealings of state officials and dissatisfaction of community members who observe officials turning a blind eye to unlawful activities in communities.

Such efforts require recognition that immigration is integral to the development agenda of the country and that it is in the interest of South Africa that immigrants who decide to settle in the country are assisted through social development processes to integrate into its socioeconomic structure. At the local level, Integrated Development Plans could include understanding the demographic changes, social cohesion indicators that include informational sessions that dispel stereotypes and provide knowledge about immigration laws, opportunities for intergroup social interactions among South Africans and immigrants in neighbourhoods. The current situation whereby conventional means of integrating immigrants into societies such as employment, education (and sometimes intergroup marriage) can also be causes of intergroup tensions is a problem that requires creative solutions by all stakeholders. It remains to be seen if the Amendment Act of 2020 will be implemented to address the current challenges.

The critical issue underscored by many study participants was that the legislation and policies were considered inadequately implemented mainly due to institutional capacity constraints, which participants argued had delayed the implementation of policies intended to shift the country's immigration management practices. However, delayed policy implementation solely refers to border control and does not include legalizing the status of immigrants who live in the country illegally. Future policy in relation to LEP and ZEP or extension of similar permissions to immigrants from other countries is unstated but these pro-migration policy initiatives need monitoring, evaluation and learning frameworks.

There is a view that South African policies are unreasonably liberal and the country has become a haven for xenophobic violence because the legal frameworks are too flexible and lack enforcement. On the ground, perceptions of locals are that the government's ineffective migration control mechanisms have led to high stocks of immigrants who do not necessarily contribute to the national development agenda, instead compete with locals for low skills jobs and informal sector opportunities. On the other hand, perceptions of immigrants are that immigration systems are implemented in a way to 'trip up' foreigners: at every stage and during the majority of interactions post arrival in South Africa, from the taxi driver or fellow commuter, to the person responsible for processing work permits at the Department of Home Affairs. Nothing comes easy to a foreigner within the system (Matsinhe, 2011). It is encouraging that study participants support implementation of social cohesion and educational programmes on immigration. The government should consider

working with the African diaspora and social actors in the country to break the silences around immigrants' positive contributions in society: payment of taxes, contribution to innovation, health equities, employment, education and skills development in the key sectors of the economy.

Amidst the growing intolerance of immigrants by citizens (Crush, 2008; Gordon, 2016) the response is a current wave of restrictive economic policy measures in at least two of the major economies in the SADC region, namely Botswana and South Africa. The clauses of the International Migration Amendment Act 2020 that prohibit participation of refugees and immigrants in certain economic sectors as well as mediation processes put in place by the national ministers of Home Affairs, Transport and Employment to address the grievances of the members of the South African Transport and Allied Workers Union (SATAWU) regarding employment of foreign truck drivers in the sector, point to these blowing winds of change. These anti-immigrant protests have become common and they entail social aggregations of different interest groups in society. For example, in 2017 the African News Agency documented the march of the Mamelodi Concerned Residents group organised to protest against "proliferation of brothels and drug dens" believed to be established by immigrants in these communities (Immigration and Refugee Board of Canada, 2018).

Apart from unemployment, immorality, crime, poverty and inequality, the other thorny issue is corruption, which prevails in government departments responsible for administration of immigration-related policies, and the situation makes policies difficult to implement. The Department of Home Affairs, especially the division responsible for immigration services, police services and licensing services in the Department of Small Business were mentioned in most instances. However, government officials with knowledge about all the services various categories of foreign nationals need for economic participation in the province, also identified the offices responsible for administering and enforcing business licensing as responsible for various aspects of maladministration that indirectly enflame conflict between South Africans and immigrants. While it was acknowledged that some officials unfairly discriminated against foreign nationals, it was also argued that to avoid harassment foreign nationals bribed officials who authorize unlawful access of immigrants to opportunities. These practices need authorities' attention as they are viewed to be contributing to xenophobic violence. South Africans who feel aggrieved by officials and business owners believe that foreign nationals dispossess them of opportunities and generate incomes from outlawed activities with impunity.

The observation that the strategic goal to build social cohesion has not yet been pursued with clearly defined indicators for monitoring tells only part of the story. The strategic outcome of promoting social cohesion across society through increased interaction across race and class does not specifically address the complexities introduced by immigration, asylum seekers and refugee status in the country. Presently, there is lack of bottom-up strategies that are based on a good understanding of local environments across Gauteng province. It is considered relevant to make addressing xenophobia issues integral to the development of IDPs and use creation of awareness about immigrants' rights an additional dimension of social cohesion with the view to expand

interaction opportunities across nationality, particularly in immigrant hosting communities. Working with civil society and other partners, programmes that promote knowledge about immigration, regularly provide factual information on immigrants, the circumstances of various categories of foreign nationals, and the contribution of immigrants to the country's socioeconomic development. Media houses should collaborate with journalists and publish mainstream stories of immigrants, asylum seekers and refugees.

The weaknesses in immigration-related and sectoral minimum wage policies that affect livelihoods and economic activity of South Africans should be one of the focus areas of the recovery programme. It is clear that immigration policy management could be overly centralised and depended on national and provincial departments. There is lack of interventions are not designed according to the intergovernmental relations strategy. The country will benefit from expanded social investment in programmes such as those that the Department of Social Development with the support of Statistics SA were reported to be rolling out to improve understanding about the demographic implications of immigration for local government's Integrated Development Plans.

What still needs to be done? Recommendation for filling identified gaps

- The government should strengthen governance and oversight to address corruption among officials responsible for implementing the laws in different sectors of government such as asylum seeker permits, domestic trade licensing, and business zoning certificates.
- The Zimbabwe Exemption Permit (ZEP) and the Lesotho Exemption Permit (LEP) have been commended as pro-immigration policy initiatives by South Africa. Monitoring and evaluating these policy directives when they end in 2021 and 2023, respectively; to assess their impact on social cohesion, economic productivity and tax revenues domestically is critical. Such an assessment would illustrate the impact of these policy provisions on illegal immigration and overall economic growth of the South African economy.
- The government and its social partners need to develop programmes that will foster reconciliation among immigrants from Africa, Pakistan and Bangladesh with South Africans by addressing injustices and oppression inherent in xenophobic violence and its perceived causes. Such initiative should provide members of communities with opportunities to interact and collectively address issues that divide South African and foreign nationals through dialogue.
- The NAP is silent on how South Africans can raise legitimate concerns about practices including administrative and labour practices in relation to immigration that may jeopardise social cohesion, without resorting to radical and harmful actions. Protests of different forms are used to express these concerns at different levels of government. There should be a dedicated emergency reporting system for xenophobic threats in communities and public spaces confidentially, as it is the case with other forms of violence.
- Promote recognition that immigration is integral to the development agenda of the country and that it is in the interest of South Africa that immigrants who decide to settle in the country

are assisted through social development processes to integrate into its socioeconomic structure. At the local level, Integrated Development Plans could include understanding the demographic changes, social cohesion indicators that include informational sessions that dispel stereotypes and provide knowledge about immigration laws, opportunities for intergroup social interactions among South Africans and immigrants in neighbourhoods.

- The government should consider working with the African diaspora and social actors in the country to break the silences around immigrants' positive contributions in society: payment of taxes, contribution to innovation, health equities, employment, education and skills development in the key sectors of the economy.
- Working with civil society and other partners, programmes that promote knowledge about immigration, regularly provide factual information on immigrants, the circumstances of various categories of foreign nationals, and the contribution of immigrants to the country's socioeconomic development. Media houses should collaborate with journalists and publish mainstream stories of immigrants, asylum seekers and refugees.

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