



CENTRE FOR DEVELOPMENT AND ENTERPRISE
Informing South African Policy



SKILLS, GROWTH AND BORDERS

Managing migration in South Africa's national interest

CDE Research no 17

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This report summarises the results of a seven-year CDE research project on South African migration policy. It was written by Professor Sandy Johnson, assisted by Antony Altbeker and Ann Bernstein. The surveys and background research commissioned for the project are listed in an appendix. This report is based on a longer CDE background resource document entitled *Skills, growth and borders: Managing migration in South Africa's national interest*. This document is available from CDE, and can be downloaded from www.cde.org.za.

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This report makes the case for reducing South Africa's skills shortages by recruiting large numbers of skilled immigrants. The country's rate of economic growth can be accelerated by dramatically expanding the number of skilled foreigners moving to South Africa.

EXECUTIVE SUMMARY

This report makes the case for reducing South Africa's skills shortages by recruiting large numbers of skilled immigrants. The country's rate of economic growth can be accelerated by dramatically expanding the number of skilled foreigners moving to South Africa.

For nearly ten years, in response to mounting evidence of South Africa's growing skills shortage, the government has been promising to improve the systems under which skilled immigrants enter the country. If we are serious about achieving a much higher growth rate, a bold and determined new approach to this issue is vital.

South Africa faces three challenges in respect of migration policy. The first is to attract significantly more skilled immigrants to alleviate the skills shortages that hold back economic growth and national development. The second is to manage more effectively the high levels of irregular migration, and the third is to alleviate pressures on the overloaded system for dealing with asylum-seekers and refugees.

These challenges are interrelated. South Africans are unlikely to accept the need for policies that will facilitate much higher levels of skilled immigration so long as they lack confidence in the government's ability to control the country's borders.

The case for skilled immigration

The United States provides the definitive example of the value of skilled immigrants. In 1990, more than a third of engineers and other IT professionals living and working in the United States had been born elsewhere. Foreigners living in the United States were responsible for more than 30 per cent of biotechnology inventions; generated a quarter of all global patent applications originating in the United States in 2006; and founded more than a quarter of American companies, including Intel, Sun Microsystems, Yahoo and Google. Moreover, foreigners received 33 per cent of all doctorates awarded in the United States in 2008, including 48 per cent of those awarded in physical sciences, and 60 per cent in engineering.

The most compelling proof of the importance of skilled immigrants can be seen in the lengths to which the world's most developed countries (and now East Asia and the Gulf) go in order to attract them. These efforts, which have created an increasingly competitive global market for skills, reflect the recognition that skilled migration is needed to keep developed world economies innovative and growing.

There is much South Africa can learn from this. If we are to achieve the ambitious growth targets set by President Jacob Zuma and other senior leaders, South Africa will have to participate effectively in the global skills market. It is impossible for the country to grow at 7 per cent a year for a sustained period without alleviating our massive skills constraints.

Authoritative figures on skills shortages are hard to come by, but South Africa's current deficit is probably larger than the 502 000 reported in the Department of Labour's National Scarce Skills List for 2008.

If we are to achieve the ambitious growth targets set by President Jacob Zuma and other senior leaders, South Africa will have to participate effectively in the global skills market

South Africa needs to welcome with a minimum of conditions all skilled people who wish to immigrate

Many countries have skills shortages. However, three factors exacerbate and perpetuate South Africa's deficit:

- **Skilled people continue to emigrate from South Africa.** A 2006 study estimated that South Africa had lost more than 520 000 people between 1989 and 2003, of whom about 120 000 had formal qualifications. There are no reliable recent figures, but this trend continues today.
- **South Africa's dysfunctional education and training system, which will take a generation or more to sort out.** One reason for this is that we also lack the skills needed to provide education and training – in other words, the skills we need to create skills. According to the Department of Labour's 2008 scarce skills list, the aggregate deficit in teachers, further education and training lecturers and 'training and development professionals' was 51 390 people.
- **A pervasive skills shortage denialism obscures the issues.** This comes in two forms. One is that there are very large numbers of (mainly black) unemployed graduates. The other is that imported skills somehow reduce prospects for South Africans – skilled and unskilled – by narrowing their opportunities for advancement. The first of these beliefs is simply false: the market for skilled people is tight, and unemployment levels are very low. The second fails to recognise that skilled people are essential drivers of growth, which in turn creates jobs for unskilled people and improves prospects for the skilled.

Since the Immigration Act was passed in 2002, South Africa's ability to exploit the global market in skills has been hampered by regulations that limit the number of skilled people who can enter the country. This is achieved through a cumbersome system of permits and quotas. A measure of the ineffectiveness of this system is that in 2008, the year in which the Department of Labour estimated skills shortages of over half a million, just over 36 000 quota permits were made available for skilled foreigners to enter the country without a job offer. Of these, only 1 133 were filled.

The notion that the state can determine our skills needs and provide for them via a quota system is misguided. Equally erroneous and harmful is the idea that we need to impose quotas on skilled immigration in order to prevent the country from being flooded by unneeded engineers, doctors and plumbers.

In reality, South Africa needs to welcome with a minimum of conditions all skilled people who wish to immigrate. This should include people with entrepreneurial abilities, as well as skilled trainers and educators, who could strengthen our domestic skills production system.

Irregular migrants

South Africa shares a continent with countries that are poor and prone to conflict. As in similar regions elsewhere in the world, this has created flows of irregular migrants from neighbouring states and further afield. The country accrues many underappreciated benefits from this, but the process also creates or exacerbates some social and economic challenges.

International experience shows that, while physical border controls have a role to play in migration management, they do not hold back the most determined migrants. In addition, both physical barriers and the internal policing of migrants are very expensive. Both also have unwanted side-effects.

This has been borne out by experience in South Africa. Despite military and police patrols and expensive fencing, border controls are largely ineffective. Arresting, detaining and repatriating irregular immigrants – many of whom return repeatedly – is expensive and ineffective. It also generates many opportunities for corruption. Given their uncertain status, irregular migrants are exposed to exploitation and xenophobia.

Border controls must be maintained and improved as far as is practically possible. However, international and local experience shows that border controls are more effective if they are accompanied by viable pathways for legal entry. South Africa should, therefore, allow some unskilled migrants to earn the right to live and work in the country.

Managing a migrant population with legal status and of a known size and growth rate would be preferable to dealing with an underground population of unknown size. And migrants would make a larger contribution to the economy (by being registered for tax, for instance), while gaining the benefits of legal recognition, and a greater sense of inclusion and responsibility.

Achieving a workable, legitimate and effective system will not be easy, but the status quo has little to commend it. One immediate benefit of instituting legal channels through which unskilled migrants can earn the right to live and work in South Africa is that it would help take some of the burden off the overloaded asylum-seeking system.

Asylum-seekers and refugees

South Africa currently has the most heavily utilised asylum-seeking system in the world. The vast majority of these applications are from economic migrants who do not qualify for refugee status but who have no other way of entering the country legally.

While the Department of Home Affairs has performed quite well, a large backlog of unprocessed applications remains. Improvements to state capacity would be useful, but the ultimate goal should be to reduce the number of people who apply for asylum. A task force should be established to clear the applications backlog, and divert economic migrants to a newly established legal pathway. Those who do not meet the conditions would be deported.

In line with growing international practice, South Africa should negotiate partnership agreements with neighbouring states and other transit countries in terms of which refugees would be required to apply for asylum in the first safe country they reach.

A new approach to migration policy

South Africa needs a much more effective migration policy. Immigrants will help spur economic growth and national development. Policy-makers must recognise the importance of resolving the country's desperate need for a large-scale infusion of foreign skills. The departments of labour and home affairs need input from economic, education, health, and other departments.

A new approach must encourage and enable the recruitment of very large numbers of skilled people. The policy of setting and enforcing quotas, which is at the heart of the present system, is a waste of time and energy. It also sends the wrong signals.

South Africa should allow some unskilled migrants to earn the right to live and work in the country

South Africa has put too many obstacles in the path of skilled foreigners who want to live and work here

Instead, South Africa should welcome, with a minimum of conditions, any migrant with skills. The notion of 'skills' must be defined widely so that it includes anyone with a formal tertiary qualification from a recognised institution, as well as people with entrepreneurial ability (not just investors with millions to invest, but proven smaller entrepreneurs). Our system must go beyond the filling of existing skills gaps in large companies. We urgently need immigrants to revitalise our faltering public health, education, and skills production systems, and boost innovation and entrepreneurship.

The determined, energetic, and strategic recruitment programme we need must be based on a much better understanding of domestic and global labour markets. To get there, we need:

- A more open, frank debate on the country's skills crisis and the length of time it will take for domestic skills production to fill the gap.
- A re-conception of how we think about South Africa's skills shortage. In a country desperate for skilled people, trying to predict what a dynamic market economy's skills needs will be, reflects a misunderstanding of the nature of skills and how they can drive growth. Skills quotas should be abolished. South Africa needs 'skills to create skills' and 'skills to create jobs'.
- A global campaign to attract very many skilled immigrants, including a scheme for 'designer immigrants' to be educated at local universities.

None of this will be possible if we look at skilled immigration in isolation from other migration issues. The recruitment of foreign skills on the scale we need will not easily be accepted by a public that is anxious about exaggerated estimates of 'floods' of asylum-seekers and irregular migrants.

Tough law enforcement alone is not the answer. The 2002 Immigration Act already grants the authorities powers to detain and deport. Devoting ever more resources to trying to make this work better will be expensive, divert resources from the more important task of fighting crime, and create more opportunities for corruption.

The better approach is to create a legal pathway for economic migrants from some SADC countries. Designing such a programme is not simple. Nevertheless, South Africa must devise a viable legal pathway for entry for a reasonable number of economic migrants.

The status quo is too damaging to be allowed to continue, and stricter law enforcement will cost far more, with very limited returns coupled with adverse consequences.

Concluding remarks

South Africa has put too many obstacles in the path of skilled foreigners who want to live and work here, and whom the country desperately needs. Little effort has been made to recruit the many thousands of skilled people who could accelerate economic growth, create employment, and drive development. The situation has been worsened by the emigration of many skilled people.

The government has failed – for years now -- to manage the inflow of large numbers of (formally) unskilled people. It is, however, impractical to wall off our borders, so we need to balance more effective border control with creating legal channels for migration.

This twin failure – to recruit and retain skilled people, and manage the entry of unskilled people – is holding back South Africa’s prospects for growth and development, and exacerbates some social tensions.

Migration cannot be stopped or rigidly controlled. This is not a bad thing: the history of humanity is a history of migration. Invariably, it has benefited migrants, their countries of origin, and their destinations.

With smart leadership, and policies that put South Africa first, the nation could reap enormous benefits from welcoming the brave, energetic people – risk-takers – who choose to migrate to this country in search of a better life.

The history of human progress is a story of migration. The lesson of this history is that movement towards areas of increased opportunity invariably benefits migrants, their countries of origin, and their destinations. If carefully managed, migration is a resource of immense potential. South Africa should start managing it with this frame of mind.

Introduction

THIS REPORT MAKES the case for reducing South Africa's skills shortages by recruiting large numbers of skilled immigrants. In the short and longer term, the country's rate of economic growth can be accelerated by dramatically expanding the number of skilled migrants moving to South Africa. However, this report also argues that importing skills cannot be separated from other migration issues, such as those that arise from South Africa's obligations towards refugees and asylum-seekers. These issues are interdependent because South African citizens will not easily accept the need to import skilled people if they lack confidence in the government's ability to manage the flow of asylum-seekers and irregular migrants across the country's borders. The key questions of how to manage these flows and secure such confidence will be addressed in the pages that follow.

In a welcome development, the South African government has acknowledged that its migration regime is inadequate, and has called for a national debate on a new approach to migration. This report seeks to respond positively to the government's call, and to stimulate and contribute to the national conversation and to the production of a new migration policy framework.

The case for skilled immigrants

Skills shortages and South Africa's growth prospects

South Africa's policy-makers have said that they are keen to emulate the growth rates of the BRIC (Brazil, Russia, India and China) group of rapidly growing developing economies. In August 2010, President Jacob Zuma told a Chinese audience that plans were being developed to help South Africa achieve an annual economic growth rate of at least 7 per cent in the 'near future'.¹

However laudable this goal may be on paper, it is important to put it in perspective. Between 2004 and 2007, at the peak of a business cycle, South Africa managed an average rate of growth of just over 5 per cent a year – its best performance in decades. This underlines the fact that a higher rate of growth will not be easily achieved unless a major effort is made to address structural factors impeding the economy. All stakeholders – including the government – agree that the endemic shortage of skilled people is one of the most important structural constraints on economic growth. They also increasingly agree that those skills cannot be produced domestically in the short to medium term, and that skilled people must, therefore, be recruited from abroad. Indeed, authoritative studies of the South African economy – including those conducted by the Organisation for Economic Co-operation and Development (OECD) as well as the Harvard-based panel of economists advising the National Treasury – continue to note that skills shortages are a key constraint on the South African economy, and that skilled immigration would boost economic growth as well as job creation.²

The endemic shortage of skilled people is one of the most important structural constraints on economic growth

Our domestic skills production system is grossly inefficient

Given this, it is to be hoped that the government's plans for achieving 7 per cent growth will include steps to increase skilled immigration substantially.

South Africa needs many more skilled people if its economy is to grow. With more skills, we could attract more investment, make better use of technology, build the physical infrastructure needed to accelerate economic growth, train more South Africans, improve public health care, and help ensure that the unemployed and underemployed find more productive work. There are no reliable estimates of the number of skilled people that the country needs, but we are confident that it is well over the estimate of 502 000 published by the Department of Labour in 2008.

The country's domestic skills production system is grossly inefficient: children fare badly in almost every international test of literacy and numeracy; the training of technicians and artisans has all but ground to a halt; and universities produce far too few engineers, managers, and other skilled people. To make matters worse, skilled people have been leaving the country at an alarming rate (see box, this page).

Given the scale and depth of the challenges, numerous steps must be taken to raise the skills profile of our workforce: our schools must be improved, our skills production system deregulated and recapitalised, our private training capacity expanded, and our universities properly funded.

None of these measures will generate large quantities of skilled workers in the short term, however. Schools take a long time to improve, and even when they have, they take time to produce well-taught learners. The production of technical skills depends, in the first instance, on the presence of people with the necessary subject knowledge as well as the desire and ability to impart it to others. Universities are large and sluggish bureaucracies which take years to reform. Experience is as important as qualifications: newly qualified graduates need years in appropriate jobs to acquire the judgement and experience to function effectively and at senior levels.

The challenge of gearing up our education and training capacity to meet the country's skills needs is illustrated by official estimates of education and training skills shortages.

In 2008, according to the government's National Scarce Skills List, South Africa lacked some 51 000 teachers, further education and training (FET) lecturers, and 'training and

SKILLED SOUTH AFRICANS KEEP EMIGRATING

Like many other developing countries, South Africa loses a significant proportion of its skilled workforce every year. The losses began in the 1970s, but have accelerated since 1994.³ Numbers are difficult to estimate because people going to live and work abroad, even permanently, often do not declare themselves to be emigrants. One way to make up for this underreporting is to use receiving country censuses and other data. Drawing on these sources, one study estimated that more than 520 000 South Africans had emigrated between 1989 and 2003, with the numbers growing by about 9 per cent a year.⁴ About 120 000 of those emigrants had professional qualifications, amounting to about 7 per cent of the total stock of professionals employed in South Africa, and more than eight times the number of professional immigrants in the same period.⁵

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development professionals⁶ – nearly 10 times the 5 611 teachers who graduated in that year.⁷ This massive gap does not take into account the loss of teachers through retirement, resignation, death and illness, as well as the fact that some graduates take advantage of other opportunities presented by a skills-hungry economy.

The same situation applies in almost every sector of the South African economy. The only way of making good on these shortages relatively quickly is through immigration. While the global skills market is luring away many skilled South Africans, it can also be used to recruit skilled people from elsewhere. However, South Africa's migration regime has consistently failed to exploit the potential of this market.

The global market in skills

The United States provides the definitive example of the value of skilled immigrants. In 1990 more than a third of the engineers and other IT professionals living and working in that country had been born outside of it.⁸ Indeed, it has been pointed out that foreigners living in the United States were responsible for more than 30 per cent of biotechnology inventions; generated a quarter of all global patent applications originating in the United States in 2006; and founded more than a quarter of American companies, including Intel, Sun Microsystems, Yahoo and Google. Foreigners also received 33 per cent of all doctorates in the United States in 2008, including 48 per cent of those earned in the physical sciences, and 60 per cent in engineering.⁹

Similarly, Ricardo Hausmann of the Kennedy School of Government has noted that 55 per cent of all working people with doctorates in the United States were born elsewhere.¹⁰

The most compelling proof of the importance of skilled immigrants are the efforts made by the world's most developed countries to attract them.

In the late 1990s the global market for skills became increasingly competitive as several of the world's most developed economies – facing problems of flagging growth and ageing populations – stepped up their efforts to attract skilled immigrants. This has implications even in the United States, where the Washington-based Migration Policy Institute has argued that 'the United States can no longer assume it will, by default, attract the world's best and brightest workers and students as it did for most of the 20th century.'¹¹

In recent years, Germany, the United Kingdom, France, the Netherlands, Canada, and Australia have all taken steps to attract more highly skilled workers. For example:

- France has created a 'skills and talent permit' for foreigners with qualifications judged to be important for the French economy.¹²
- The United Kingdom has introduced a points-based immigration system designed to make it easier for highly skilled young workers to enter the country.¹³
- The United States has increased its number of visas for highly skilled people from 65 000 to 95 000 a year.
- In 2005 and 2006, 130 000 to 140 000 newcomers entered Australia each year, double the numbers of the mid-1990s.¹⁴
- The European Union has adopted a Blue Card for skilled immigrants,¹⁵ modelled on the Green Card offered in the United States.¹⁶

Aggressive recruitment of skills also occurs in the Middle East, particularly the oil states of the Gulf, which have realised that the best way of creating jobs for their relatively

The only way to make good our skills shortages quickly is through immigration

Countries with sound and effective migration policies can benefit enormously from them

low-skilled populations is to import the skilled people needed to take advantage of the region's natural resources.

Skilled people play vital roles in stimulating economic growth. However, since the 1980s South Africa has steadily lost many more skilled people than it has replaced. The pressures that cause emigration have not eased, and the prospects for rapidly expanding our pool of skills from our own resources are not good in the short term. Policies for attracting skilled immigrants are vital, but they must be situated in wider challenges of migration policy.

Migration policy: a challenge for most countries

SKILLED IMMIGRATION IS (or should be) the least contentious aspect of migration policy. Other forms of cross-border migration are far more controversial, and more difficult to manage.

Between 1985 and 2010 the number of migrants in the world doubled from 111 million to 214 million.¹⁷ These figures are small relative to the world's population. However, much of the movement occurred in a few regions that are marked by wide disparities in economic development. The large migration flows in those regions have important effects on both sending and receiving countries, and also present policy-makers with some of their most serious and intractable challenges. These arise because large-scale migration typically involves conflicting interests and values. These include issues such as human rights norms, free trade and freedom of movement, as well as national security, national identity, citizenship, and social integration.

Migration is controversial even in countries that have benefited enormously from immigration. In many of those societies, elite groups, which tend to be more cosmopolitan and better educated, view migration quite differently from the rest of the population, many of whom are fearful of the economic consequences of increased migration, and some of whom are also more culturally conservative. One consequence is that countries need skilful and far-sighted leaders if they are to have reasoned debates about migration policies.

Even skilled and courageous leadership is not always enough. Policy-makers also need accurate information about various aspects of migration, though this is often hard to obtain. Enumerating the extent of the brain drain from a sending country is difficult enough; estimating the volumes of 'illegal' or 'irregular' migration to a receiving country is next to impossible. Even the terms used to describe these migrants are value-laden and controversial (see box, facing page).

Division and prejudice thrive on this lack of accurate information. Misguided beliefs, fears, and wishful thinking also prevent more rigorous discussion of policy options. Particularly unhelpful are the views that migration can be turned on and off like a tap according to need, or that, with sufficient political will, irregular migration can be halted.

These difficulties aside, it is clear that countries with sound and effective migration policies can benefit enormously from them. In particular, migration offers countries the possibility of accessing scarce skills and entrepreneurial energy. Indeed, even the United States, with its relatively well-educated population, enjoys enormous gains because it is

also able to attract highly skilled foreigners. No wonder there is a 'global war for talent' in which countries – developed and developing – are seeking to attract as many as possible of the 20 per cent of the world's working population with tertiary qualifications.¹⁸

A new approach to migration policy?

Since 1994, the pressures and opportunities driving the movement of people across South Africa's borders have intensified and multiplied.

South Africa is a sending country from which large numbers of emigrants (many of them skilled) leave to pursue opportunities elsewhere. It is also a receiving country, in two senses. On the one hand, small numbers of skilled people enter the country via the channels provided by our migration laws. On the other, many more people, desperate to work and prosper, are drawn here by the greater opportunities and rewards offered by Africa's largest and most diversified economy.

South Africa's responses to these pressures and opportunities have been poorly conceived and badly implemented. We have failed to attract adequate numbers of skilled people in a competitive global labour market, and we have lost many skilled citizens. We have also failed to manage the influx of irregular migrants looking for jobs, many of whom lack the formal qualifications that would enable them to obtain residence permits, but who often have some skills and energy needed to make an economic contribution. At the same time, a flood of asylum-seekers has taken our asylum and refugee systems to the brink of collapse.

One of the problems is that it is often difficult to distinguish between asylum-seekers and what the government refers to as 'economic migrants'.

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WHAT'S IN A NAME?

Different terms are used to refer to people who migrate outside official channels, often reflecting varying perceptions of the challenges they present, and how they should be dealt with.

Illegal immigrants: This term is generally used by those who insist that unauthorised entry is a criminal offence and hope to control it via strict law enforcement. An extreme case is Malaysia, whose immigration law provides for whipping 'illegals'. In December 2004 the Deputy Minister of Home Affairs in Malaysia announced that more than 18 000 immigrants had been whipped since 2002.¹⁹

Undocumented migrants: Used by those who conceive of migration issues in human rights terms, including granting status to the immigrants concerned through amnesties, temporary permits, and so on. However so many 'undocumented' migrants have forged or corruptly acquired 'genuine' documents – a problem in most receiving countries and especially in South Africa – that the term can be highly misleading.

Irregular or unauthorised migrants: These more neutral terms – the former used by the United Nations, and the latter by the American government – are increasingly widely used.

Economic migrants: A term used by the South African government to refer to people who are attracted by economic opportunities in South Africa which do not exist in their own countries. Generally they cannot gain legal entry, or choose not to, and either seek asylum hoping for refugee status, or remain irregular immigrants.

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The government has recognised the current shortcomings in migration policy and its implementation

The government has recognised the current shortcomings in migration policy and its implementation. As we shall see, there have been some genuine improvements, but implementation has been slow. In fact, former president Thabo Mbeki first called for an 'urgent review' of policies to attract skills to South Africa nearly a decade ago.²⁰ It is a theme that has been repeated by the Zuma administration.

Recent government statements and initiatives which indicate a new approach include:

- a more open stance on skilled immigration;
- a recognition of the need to 'manage economic immigration in a way that promotes national and regional development';²¹ and
- attempts to tackle the problem of Zimbabweans who are in South Africa without authority.

These are no more than signals as yet, and democratic governments often struggle to reconcile the skills needs of their economies, their human rights obligations, and the suspicions and fears of their citizens in respect of migration policy. However CDE's research, as well as international experience and best practice, show that the government is moving in the right direction.

Attracting skills: promise and delivery

AS NOTED EARLIER, the government has acknowledged that South Africa needs skilled immigrants, and the immigration of skilled people has improved in the past five years.

Entry of skilled people is regulated by a system of six permits: general; exceptional skills; scarce skills quotas; corporate and intra-company; and business. The DHA database, to which CDE researchers were given access, records a total of 79 626 work permits as having been granted in five categories (business permits were excluded) between 2003 and 2008.²² Numbers granted annually nearly doubled (from 11 781 in 2003/4 to 21 848 in 2007/8).²³ These figures represent a welcome trend, but should be seen in perspective.

- Between 1994 and 2003 the net annual average skills loss was more than 9 000.²⁴ Figures are unlikely to have fallen significantly since then, given that attitude surveys of students and professionals over the past decade have suggested that many want to emigrate.
- In 2008, the Department of Labour's National Scarce Skills List (see box, facing page) estimated South Africa's overall skills deficit at 502 335, or more than half a million people,²⁵ including a deficit of 51 390 in the numbers of teachers and trainers.

The figures for education and training skills make it clear that South Africa's shortages are not confined to the private sector. For example:

- The Department of Health (DoH) estimates that South Africa needs 6 450 more doctors in the public service to reach the norms for low-income countries (five doctors per 10 000 people).²⁶
- The DBSA's Health Roadmap (2008) estimated the deficit of health professionals in South Africa at between 64 000 and 80 000.²⁷

- In 2006 the OECD calculated that there were more than 12 000 South African doctors in its member countries.²⁸

Despite the obvious need, SA limits the pool from which it can recruit doctors, with the DoH having set stringent self-imposed restrictions on recruiting doctors from developing countries, especially ones from SADC. In any event, there are no permits for doctors or other medical professionals (except 300 'research and development pharmacologists') on the 2008 Work Permit Quota List, supposedly derived from the National Scarce Skills List, and after a careful audit of the country's needs.

SKILLS QUOTAS: A WASTE OF TIME AND ENERGY

At the heart of the skills migration system are two instruments, the National Scarce Skills List, and the Work Permit Quota List. The former is produced by the Department of Labour, and the latter by the Department of Home Affairs.²⁹ The first lists shortages of skilled people in a number of categories, and the second – meant to be based on the first – lists the quotas for work permits in a number of occupational categories. The scarce skills list is compiled on the basis of consultation with Sector Education Training Authorities (SETAs) and line departments involved in a skills committee of the government's economic cluster. The Department of Labour claims the list 'reflects the skills that are most needed in our country and on which we need to focus efforts in acquiring and developing'. It is intended to guide the Department of Labour's 'skills development interventions', the Department of Education's 'course development and career guidance activities; and DHA's compilation of the Work Permit Quota List, and evaluation of employer-sponsored applications for work permits.³⁰

The list and quota system sounds sophisticated, but it does not bear close examination: the method used to calculate the skills gaps is questionable, and the numbers of scarce skills identified change from year to year. The whole idea of quotas is premised on two equally flawed ideas. The first is that officials are able to predict what skills a dynamic economy needs. The second is that the South African labour market is in some danger of being swamped by highly skilled foreigners. Even if that were true, the only consequence would be that the premium skilled workers can command in the labour market would fall.

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There are no permits for doctors or other medical professionals on the 2008 Work Permit Quota List

While the annual increase in permits granted is obviously welcome, from the point of view of skills lost and skills gained, South Africa may have done little more than break even between 2003 and 2008. We have certainly made no significant inroads into the massive skills backlog in crucial areas such as health and education. Indeed, it is more likely that we went backwards, because virtually all the increases in permits granted was in two categories: corporate and intra-company. Intra-company permits are granted for only two years, and corporate permits, though not tied to fixed terms, are designed to allow big companies to import skilled people for specific projects.

All other categories including the largest, 'general permits', were static between 2003 and 2008, with the quota system being particularly disappointing. In 2008, 36 350 quota

The quota system represents two flawed ideas: that we are in danger of being swamped by engineers and other highly skilled people and that bureaucracies can predict the skills needs of the economy

permits were available, a little over 7 per cent of the estimated shortage on the scarce skills list. Of these, only 1 132 quota permits were taken up.

What the data make clear is that we are now better able than before to satisfy the demands of large companies for limited engagement and project-driven skills immigration. However, there are still too few new residents or citizens to contribute to the economy and to our failing public education and health systems. We need to ramp up the recruitment of skilled migrants.

The quota system, which was inserted at the last moment into the Immigration Act (2002), represents two flawed ideas which have typified South Africa's approach to skilled immigration. The first is that we are in danger of being swamped by engineers and other highly skilled people from whom our own skilled people need protection. The second is the equally flawed idea that bureaucracies can predict the skills needs of the economy.

In practice, this has meant that immigration policy is determined by calculations delivering skills lists which, in the words of the government's own human resource planners are not 'credible, consistent, or common'.³¹ The result is a policy that grudgingly invites small numbers of highly specialised people – astrophysicists, for example – to immigrate to South Africa, even as we need some 72 000 people with IT skills, but have produced just 18 000 between 1996 and 2007.³² Some of these, no doubt, have since emigrated.

Our migration policy must make the most of the global and regional skills markets by recruiting far more aggressively. We should start by abolishing quotas that bear little relation to our needs. We must also rethink some self-imposed bans, such as the one on recruiting health professionals in Africa. These merely drive doctors who want to leave their own countries out of the African continent altogether. For example, there are more than 9 000 SADC medical professionals (excluding South Africans) in OECD countries, and many more from other African states.³³ This is a potentially fruitful recruiting pool for South Africa, which circumvents controversies associated with recruiting doctors directly from African or other developing countries.

If the need for skilled immigrants is to be honestly appraised, skills shortage sceptics and denialists have to be engaged (see box, facing page). It is also important to engage with those vested interests – including public sector unions and many professionals and their organisations – that view skilled immigration as a threat rather than an opportunity.

South Africa's skills deficit is not confined to formal 'hard' skills, but extends to 'softer' areas such as entrepreneurship. The permit system recognises this in the form of a 'business permit', but the conditions are restrictive because would-be immigrants are required to invest considerable sums of money in South Africa. We should rethink such conditions in order to attract immigrants with a broad range of skills and aptitudes.

Although significant numbers of skilled South Africans will probably continue to leave the country, we can attract more skilled and talented people from other countries. Among other strategies, we can use our comparative advantage in higher education to join other skills-hungry countries such as the United States, the United Kingdom and Malaysia in the competition for foreign students, or what one authority calls 'designer immigrants'.³⁴ These are young people with great potential who are admitted to the receiving country's universities and encouraged to remain resident after graduation. These immigrants are not only highly qualified, but have a good grasp of the language and local working practices. They have also been educated in courses attuned to local economic needs.

CONFRONTING THE SKILLS SCEPTICS

CDE's research shows that many South Africans understand the country's need to import skilled people.³⁵ Despite this, some opinion-makers remain suspicious of skilled immigration. They can be found in government and the ruling alliance as well as, surprisingly enough, organised business.

Skills shortage denialists argue that South Africa cannot lack skills because many domestic graduates are unemployed. In 2008, for example, Jimmy Manyi, subsequently appointed (and later suspended) as director-general of the Department of Labour, declared that talk about a skills shortage was a euphemism for the belief that South Africa needed more white people. He said that skilled black people were being underutilised.³⁶

This is both inaccurate and irrelevant. The global skills market includes skilled and energetic people from all over the world, and South African businesses have been more than happy to employ skills from Africa and Asia. In any case, recent research has shown that graduate unemployment has been greatly overstated. Rather than previous estimates of 100 000 unemployed graduates, one recent study puts unemployed people with degrees, diplomas and certificates at 15 475.³⁷ Other estimates range from 3 per cent to 5 per cent of graduates.³⁸

Government officials have sometimes created the impression that if we take account of retirees capable of returning to work, people in the 'wrong jobs', and people in the diaspora, South Africa does not have a skills shortage at all. As one government adviser put it in 2006, 'Our priority is to recruit scarce skills within South Africa rather than going abroad for talent.'³⁹ This is a particularly good example of confused thinking about skills shortages and immigration: if these skills could be recruited within South Africa, they would not be scarce.

Similarly, at the launch of JIPSA, Phumzile Mlambo-Ngcuka, at the time deputy president of the country, spoke of addressing the skills shortage by drawing on people who had 'wrongly deployed themselves in the economy'.⁴⁰ The truth is that our labour market is more complex and sophisticated than our policy-makers believe, which leads to mistaken ideas about available skills. We live in an enterprise society (albeit one that is less than perfect), not a planned economy. When people 'wrongly deploy themselves' it is because that is what people do in a free society which offers them opportunities.

Some opinion-makers also seem to believe that the financial turmoil of the past two years will dampen the global competition for skills. It is true that quotas for skilled immigrants to the United Kingdom from outside the European Union have been reduced in some (though not all) categories. However, any reduction in what the World Economic Forum calls the 'global war for talent' is likely to be short-lived, for three reasons:

- Policy-makers in the developed world are well aware that cuts in government expenditure and borrowing alone will not resolve their economic problems; only renewed and revitalised growth will do this; and that this requires more skilled people.
- The changing age structure of the European workforce means that it will continue to absorb talented workers from the rest of the world.
- The United States continues to attract talent to feed innovation and entrepreneurship, while renewed growth in Asia will sustain demand for skills in commodity-producing countries (including Australia, one of the main destinations for South African skilled emigrants).

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Government officials have sometimes created the impression that South Africa does not have a skills shortage at all

Irregular immigrants and asylum-seekers

Irregular immigrants: problem or resource?

South Africa has the largest and most diversified economy in the region. It also has long, porous borders, some with poor and conflict-prone neighbours. The end of apartheid released pent-up migratory pressures in the region which have been sustained by South Africa's higher levels of economic growth. The progressive collapse of Zimbabwe's economy has added a crisis-driven quality to the regional movement of people.

Given the major disparities in economic development and opportunity between South Africa and the rest of the region, it is inevitable that some people who do not have formally-recognised skills will move to South Africa by any means they can. This includes overstaying visas, crossing borders illegally, and using the services of human smugglers and other intermediaries.

The challenges in coping with this reality are heightened by uncertainty over numbers. Extremely high estimates for the number of irregular immigrants have sometimes gained wide and uncritical acceptance. An estimate of 9,84 million was widely quoted in the media in 2006, for example, and has resurfaced periodically since then. The basis for this calculation was to multiply the number of annual deportations by four, on the arbitrary assumption that for every irregular migrant deported, four go undetected, and to add the annual figures of deportees for the last ten years. The resulting figure of 9,84 million is completely implausible; if it were true, more than one person in five in South Africa would be an illegal immigrant.

Similarly, a figure of three million Zimbabweans in South Africa is widely accepted as true, although it has no basis in credible research. In fact, what we know of the demography of both South Africa and Zimbabwe suggests that it is inflated.

A more realistic figure for *all* irregular migrants in the country is about 2,5 million. This is made up of visa overstayers and people who entered the country illegally and either have no documents or have corruptly acquired them.⁴¹ This is not an insignificant number, and the fact that they have succeeded in entering and remaining in the country is a cause for concern.

Whatever their numbers, many irregular migrants can and do make important contributions to the South African economy. International evidence, data produced by others, and CDE's research in Witbank and Johannesburg strongly suggest that immigrants, including irregular ones, play positive roles in the economy. Conducted in 2006 and 2008 respectively, CDE's studies showed that migrants were significantly less likely to be out of work than local people, with about 20 per cent being unemployed, compared to the 38 percent of South African adults.⁴² In Witbank, only 16 percent of immigrants were unemployed – a very low figure by South African standards.

These findings strongly suggest that immigrants possess some informal skills or other aptitudes for which there is unmet demand and/or that they have the skills and energy needed for self-employment. Indeed, the number of immigrants involved in

A more realistic figure for all irregular migrants in the country is about 2,5 million

entrepreneurial activities identified in CDE's surveys was impressive. This is particularly important because levels of entrepreneurship in South Africa are consistently lower than international averages.⁴³ Thus, as many as 44 per cent of Johannesburg-based migrants, as well as 32 percent of Witbank migrants, were self-employed, compared to 12–16 per cent of South African adults in Gauteng. Moreover, 12 per cent of immigrants employed other people, averaging four staff members per enterprise. Importantly, almost half of those employees were South Africans.

Additional research in Johannesburg, conducted for CDE by the Forced Migration Studies Project at Wits University, has confirmed this.⁴⁴ Not only was the skills base (measured in terms of completed higher education) wider for immigrants than for South Africans, but their entrepreneurial experience was also greater. According to three surveys, many migrants working in SMMEs were already established businesspeople in their countries of origin, or were working in professional positions. Thus, the study noted that while 45,1 per cent of South Africans had not worked before coming to Johannesburg, only 12,1 per cent of foreigners had been unemployed. Almost 17 per cent had run a business before coming to the city compared to just over 3 per cent of South Africans.⁴⁵

This educational profile was confirmed in another survey of Zimbabweans in Johannesburg conducted for CDE. There, 62 per cent were found to have passed matric, while 32 per cent had a post-secondary education (a diploma, professional qualification or university degree).⁴⁶ Most respondents however had low-level jobs, which suggests that the skills of African immigrants are largely underutilised.

These facts notwithstanding, irregular migration inevitably imposes some costs on the receiving country. These include greater competition for jobs; uncertainties about, and increased pressures on, the planning and provision of services, especially in poor communities; social tensions that feed xenophobia; the erosion of public confidence in state agencies that appear unable to cope; and increased opportunities for corruption.

In the face of these realities, South Africa's policy-makers have to choose the best possible mix of law enforcement and other interventions for managing irregular immigration, as well as the best approach to communicating the government's strategy for managing migration.

Fortress South Africa?

For many people, much more rigorous and extensive policing of South Africa's borders seems the obvious solution to the problems which they believe unskilled immigrants cause: competition for jobs, community tensions, and pressures on government resources. Despite the government's acknowledgment that it has failed to manage either refugees or irregular migrants, as well as its apparent openness to new approaches, rigorous law enforcement also remained the official avenue to improvement in the DHA's Strategic Plan for 2008/9-2010/11. This was made clear by making the development and implementation of the law enforcement strategy the key performance indicator in achieving the strategic objective of managing illegal immigration 'efficiently and effectively'.⁴⁷

It is arguable, however, whether greatly improved border control should be the sole or even predominant approach to managing migration. Such a policy has its own costs – fiscal and political, human and diplomatic. To implement a policy of managing irregular migration through law enforcement, for example, South Africa would have to take very large sums of money from other parts of the national budget to construct the elaborate fences and

Not only was the skills base wider for immigrants than for South Africans, but their entrepreneurial experience was also greater

‘Show me a fifty-foot wall, and I’ll show you a fifty-one-foot ladder’

electronic surveillance systems that would be required. Finding and funding the skilled, dedicated, and incorruptible security personnel to patrol this fence would be even more difficult. Experience here and elsewhere has shown that border control is neither cheap nor simple.

International experience – especially in the United States – suggests that, while physical border controls obviously have a role to play, they are not a panacea. In the first place they are very expensive: the Congressional Research Service has estimated that a projected 1 126-kilometre fence (far shorter than the 3 140-kilometre border with Mexico) would cost \$49 billion over its 25-year life span.⁴⁸ Moreover, even if such fences were affordable and effective, an estimated 40–50 per cent of unauthorised immigrants in the United States entered the country legally and subsequently ‘overstayed’ or otherwise violated the terms of their entry. This would be entirely unaffected by the quality of any new fences.⁴⁹

Moreover, the costs of policing borders are not confined to the costs of policing *on* the borders. A recent study of immigration policing in Gauteng found that the police service spent more than one quarter of its budget on policing migrants, despite the fact that immigration offences – notably that of being in the country without authorisation – are not a priority crime for the SAPS.⁵⁰ The point here is not that it is futile for a country to try to control its borders; this is part of the responsibility of any government. However, it does raise the issue of how many more resources will have to be devoted to immigration policing to improve the degree of control achieved at present.

The problems with a fortress mentality do not stop at border fences. Tourism and cross-border trade contribute significantly to the South African and regional economies. In recent years, legal arrivals from African countries – mainly in SADC – have increased by well over half a million a year, from 5,5 million in 2005 to more than 7 million in 2008. In January 2010 alone, 541 423 tourist arrivals were recorded from SADC countries.⁵¹ Much cross-border trade and tourism would be hampered if border controls were tightened, with important implications for levels of economic activity in South Africa and its neighbours.

South Africa’s citizens have a right to expect that their government should make a serious effort to manage and control the country’s borders. However, to rely on control alone to manage cross-border migration would be to commit huge resources to a project that has little prospect of success: as an American immigration expert told a CDE workshop of efforts to keep Mexican immigrants out of the United States by fencing off the border, ‘Show me a fifty-foot wall, and I’ll show you a fifty-one-foot ladder.’⁵²

Asylum-seekers

South Africa’s system of refugee determination is based on our commitment to human rights, due process, and individual determination. It attracts large numbers of people who are fleeing political persecution and discrimination in their own countries, and who are therefore legitimate refugees as defined by the relevant treaties and statutes. The system also attracts people who are fleeing failing or collapsing economies, and whose status as refugees is more doubtful. In practice, however, it is often difficult to establish who belongs in which category, and the system for status determination has been pushed beyond the limits of its capacity in recent years

According to the United Nations High Commission for Refugees (UNHCR), South Africa has had to process more than 458 000 individual asylum applications since 2002, which

makes our system the most heavily utilised in the world.⁵³ In fact, in 2006 South Africa received more individual asylum applications than any other country in the world (53 400), and was second only to the United States in 2007 (45 600). In 2008 the number of applications rose by nearly 400 percent to 207 206, leaving the United States a distant second at 49 600. The corresponding figures for 2009 were 222 000 for South Africa – almost as many as the 27 member states of the European Union combined – and 44 000 for the United States.⁵⁴ Little wonder, then, that by the end of 2008 South Africa had 227 125 pending asylum applications, a 155 percent increase over the start of that year.⁵⁵

South Africa is not the only country which has to deal with large numbers of applications for asylum, and to provide sanctuary to refugees. In many other developing countries, however, asylum-seekers are housed in camps until they can be processed. Some even keep large numbers of recognised refugees in camps.

Although they have much smaller numbers of asylum-seekers, developed countries have worked hard to cope with the effects of rising flows. They have done this by interdicting or processing asylum-seekers before they reach their borders, and by involving third-party states in handling or accepting them, usually with increased aid as part of a partnership agreement. Agreements between states of the European Union (the Dublin Regulation) as well as one between the United States and Canada also specify responsibilities for hearing asylum claims in the first signatory state entered by the claimant.

The United Kingdom has worked hardest to be tougher on asylum-seekers, tightening border controls and interpreting the relevant treaties and conventions more strictly. As a result, the number of applications has gone down. In explaining this, however, it is difficult to distinguish policy changes from changing patterns of political conflict in countries of origin. What is more, in a constitutional democracy, new policy is not as simple as giving different instructions to officials. In 2005 in the United Kingdom, for example, 20 percent of initially unfavourable determinations of status were overturned on appeal.

What seems clear is that where definitions and interpretations of claims to status legitimately differ, where due process has not been abandoned, where legal institutions are independent of political influence, and where there is a strong civil society culture of human rights protection, adopting a tougher approach to migration is not easy.

For all these reasons, refugee flows present South Africa with some difficult challenges. On the one hand, we may want to tighten controls. On the other, this could dilute our commitments to legal process in refugee determinations if, for example, we reconsidered claimants' rights to appeal. This would probably lead to legal battles, and a loss of some international moral authority. The costs of adopting the alternative model of refugee management – camps, mass rather than individual determination of claims, and UNHCR leadership of the process – would also be substantial, both in terms of direct fiscal costs and in terms of the security and social problems that refugee camps generate.

Nor is it straightforward for South Africa to negotiate partnerships with neighbouring countries through which asylum-seekers and refugees travel. Besides the question of what South Africa might offer its neighbours, if 'safe third country' approaches are to withstand legal challenges, those countries will have to have similar human rights and constitutional dispensations as South Africa, and offer refugees rights similar to those to which they are entitled in South Africa.

In 2009, South Africa received 222 000 applications for asylum, more than the 27 member states of the EU combined

Poor implementation and a reputation for corruption have undermined belief in government's ability to manage migration in the national interest

A new approach to migration policy

SOUTH AFRICA'S IMMIGRATION policies and laws have been a patchwork of principles and compromises. Exacerbating the problem, poor implementation and a reputation for corruption have undermined citizens' belief in the government's ability to deliver what the country really needs, namely the sound management of migration in the national interest. We need to restore public confidence in a system that has been under a great deal of pressure.

A new approach would have to achieve three goals:

- Restore the credibility of the state with respect to immigration policy and its implementation;
- Realise the economic potential of immigration by actively recruiting large numbers of skilled migrants; and
- Take the pressure off our struggling asylum processing and enforcement systems.

On the basis of international experience, and our own research, CDE believes such an approach should be based on the following guidelines.

1. Restoring public confidence

Rising numbers of asylum-seekers (from further and further afield), large numbers of migrants from Zimbabwe, the May 2008 violence, and the DHA's reputation for corruption all contribute to a public impression that migration is out of control. Little wonder that people believe there is a huge underground population, and that it poses a threat to South African society.

Policy reforms addressing all the main classes of migrants – skilled, irregular, and asylum-seeker – will be possible only if South African citizens have confidence in the capacity of government agencies to manage migration effectively. In the absence of effective management, the case for a much more open policy towards skilled migration will not be heard.

What do we need to get there?

Immigration policy has been a matter of public concern for years without being systematically debated. Many analysts and social leaders concentrate on instances of xenophobia rather than on the country's need for skills. At no time has there been a serious discussion of the costs of more effective border control, or the many different ways in which people enter South Africa outside the regular channels. Other topics that have not been seriously aired are just how many irregular migrants there are, and what the options are for dealing with them.

In order to remedy this, senior government figures should provide clear leadership in respect of migration policy. The first priority is to make the case for skilled immigration more actively, and to engage with skills shortage sceptics and denialists. The second is to lead the way to a better public understanding of how and why irregular migrants enter this country, how many are here and what they contribute to the country.

A prerequisite for reforming migration policy is effective political leadership. International experience shows that migration can only be successfully managed when governments are able to reassure voters that they have sound policies, and effective systems for implementing them. Improving controls along borders and at border posts is essential if public confidence is to be built.

What does this require in practice?

Senior government figures and political leaders should provide clear leadership in respect of migration policy by:

- Assuring citizens that their interests come first, and demonstrating that this is the case when possible. This includes during and after instances of xenophobic violence when local communities need to be assured that government will address the underlying issues that fuel community anger (corruption and cronyism, poor service delivery, the absence of employment opportunities, etc) rather than relying exclusively on a law-and-order approach to policing local people.
- Emphasising the positive contribution of many migrants to South Africa's growth and development, and why well-managed immigration is in the national interest.
- Issuing directives to all government functionaries to refrain from using untested estimates of the number of immigrants in the country; and to stop referring to migrants in ways that cause public confusion about the legal status and rights of different categories of migrant.
- Clearly spelling out what the country expects from immigrants, notably that they should respect the rule of law and the values embodied in the constitution.

2. Managing borders effectively

As noted earlier, South Africa's borders are long and porous, and cannot be sealed with the resources likely to be available for the task. This does not mean that policy should be based on the idea that our borders should be open, or that migration management will always fail. What it does mean is that migration policies cannot be based on the false expectation that all irregular entrants can be kept out. Instead, we must create viable and credible channels through which migration is managed in the national interest. This means developing the smartest and most cost-effective methods of dealing with irregular migration, and recognising that growing regional trade and economic integration will encourage further immigration.

What do we need to get there?

Effective border management requires good 'border intelligence'. Elements of this include:

- An effective system of management at land, air, sea and other borders that is as good as we can make it with our limited resources.
- A comprehensive database of events and conditions in neighbouring states that could generate flows of genuine refugees.
- A clear understanding of push and pull factors – the factors, both here and in their own countries – that encourage, sometimes compel people to migrate.

Improving border management is essential if public confidence is to be built

South Africa should actively explore the development of partnerships with neighbouring countries to manage migration more effectively

- A thorough knowledge of modes of entry by irregular migrants, and how these change over time.
- A much more authoritative and realistic set of indicators on the scale of the challenges affecting migration in the region to inform policy development and implementation.
- A strong law enforcement focus on organised traffickers and smugglers, which might be able to reduce the flow of irregular migration without undue violation of human rights.

This approach might help us formulate more effective border control policies, and assess factors that undermine them. It could also be used to identify the most cost-effective ways of dealing with irregular entry. The DHA has taken a significant step forward by using new technology in the form of Advanced Passenger Processing for air travellers entering South Africa, which permits much more careful assessments of security risks and risks of non-compliance with the conditions of the permits issued to arriving passengers. The DHA should be enabled to utilise any further technological advances in this respect. Much of the operational work of border management is done by the police and the SANDE, both of which need to use scarce resources as wisely as possible.

South Africa should actively explore the development of partnerships with neighbouring countries to manage migration more effectively. Such arrangements with countries from which migrants originate or through which they pass on the way to their destinations are sometimes called 'mobility partnerships'. They have become a feature of migration management policies in major receiving countries, especially in Europe. Though South Africa has fewer resources than the developed countries that have negotiated such agreements with sending and transit countries, it is worth exploring what aid and incentives can be negotiated in the region in order to better manage regional transit routes. Thus South Africa might be able to secure more rigorous policing by the Mozambican authorities of routes used by migrants from countries in East Africa and Asia in return for assistance with their border control infrastructure and technology or for freeing up some forms of cross-border movement for Mozambican traders.

Physical barriers: The experience of developed countries shows that physical barriers to irregular migration across long land borders are very expensive and are seldom totally effective. Apart from anything else, many irregular migrants often enter a country legally, and then overstay. For this reason, strategies for creating, improving, extending and maintaining physical barriers to migration should be rigorously tested, and their cost-effectiveness thoroughly assessed. One cost-effective option could be 'smart' patrol work, focusing on known routes and on areas where irregular migrants tend to live.

What does this mean in practice?

In the short term:

- Ensure that the DHA has the human and financial resources to take advantage of appropriate technology for gathering and processing intelligence about the movement of people.
- Ensure that all borders, especially near towns and transport routes, are properly demarcated and policed.
- Take more active steps to counter corruption among DHA officials, border staff and police officers.

- Support migration policy-making and implementation by greatly expanding the country's capacity to collect, analyse, and communicate reliable data on all aspects of migration; make more and better use of independent and respected analysts; and improve the DHA's capabilities.

In the longer term:

- Through diplomatic negotiation and the provision of incentives, develop partnerships for migration management with neighbouring states.

3. Realising the economic potential of immigration

It is essential to recognise that migration policy is primarily an economic issue, with enormous potential to contribute to South Africa's growth. Migration policy should not be a matter for the DHA alone; economic policy-makers must play a much bigger role. How many skills we get from elsewhere is vital to the National Treasury, the National Planning Commission, the Ministry of Economic Development, and the Department of Trade and Industry.

Until now, inter-departmental co-operation seems to have been more concerned with placing limits on the numbers of skilled people allowed to enter South Africa than with exploiting the potential of skilled immigrants. We need an immigration policy whose principal purpose is the aggressive recruitment of skilled people rather than setting and enforcing quotas. This is vital to economic development, education, and training.

In practice, this means that South Africa needs to welcome, with a minimum of conditions, any migrant with skills. Moreover, the notion of 'skills' must be defined widely so that it includes anyone with formal tertiary qualifications from recognised institutions, as well as people with entrepreneurial ability. Our need for entrepreneurs is not confined to investors with millions to invest, so we should welcome proven smaller entrepreneurs who want to start a new business in this country. Our policies should also aim to do more than just fill existing skills gaps in the corporate world; we urgently need immigrants to revitalise our faltering public health, education and skills production systems, and to boost innovation and entrepreneurship.

To achieve this, we require a more effective immigration system for skilled migrants. This must include a more active and strategic recruitment programme based on a much better understanding of both the domestic and global labour markets.

What do we need to get there?

Firstly, South Africa's skills crisis should be much more openly and extensively debated. The facts and consequences of South Africa's dysfunctional skills training and education systems must be acknowledged, and skills shortage denialists and immigration sceptics must be confronted. The fact that we are not self-reliant in skills must be made widely known, and the time needed to rectify this made clearer.

The strategies of training our own skilled people and encouraging immigration are often portrayed as contradictory and even antagonistic. This is not the case: they are complementary. Skilled immigrants also have a key role to play in improving our education and training systems.

South Africa needs to welcome, with a minimum of conditions, any migrant with skills

The immigration skills quotas are a waste of energy and send the wrong signals. They should be abolished

Senior government officials have talked about the need for skilled immigrants since the mid-1990s, when the severity of our skills shortage became evident. However, they have backed down at the first sight of opposition from vested interests, and policy proposals aimed at allowing more skilled immigrants have been dropped. This must stop. Without honest and brave leadership, the case for skilled immigration will not be made.

Secondly, economic policy-makers must play a far larger role in formulating migration policy. The DHA, as well as the departments of Labour and Education, which compile and administer the current skills quotas, are not the most appropriate departments to appreciate the economic significance of skilled immigration. The National Treasury, National Planning Commission, and other economic ministries must play a far more prominent role.

Thirdly, the way in which the country conceives its skills shortage needs to be rethought. We need to move away from seeking to micro-manage skills categories and towards a vision based on the ideas that we need 'skills to create skills', and 'skills to create jobs'. In a country desperate for skilled people, the immigration skills quotas are a waste of energy, and send the wrong signals. They should be abolished.

Fourthly, the government should launch a campaign to attract skilled immigrants based on international best practice

What does this mean in practice?

We must:

- Communicate unambiguously that skilled immigration is not only compatible with, but essential for developing local skills. Skilled immigrants should be seen as a form of foreign direct investment, with individuals investing their hard-earned skills and capabilities, paid for or subsidised by their governments, in activities that will expand our economy; increase employment; and develop cities, towns and rural areas.
- Devise a policy that invites, recruits and welcomes any migrant with skills, defined as broadly as possible.
- Market South Africa as a destination for skilled people looking for work in any sector, including public services such as health and education
- Focus on public health as a first and 'easy win' to demonstrate the importance of foreign skills for service delivery, initially targeting the SADC and wider African diaspora in OECD countries, as well as medical professionals in countries like the Philippines and India with a tradition of exporting medical skills.
- Devise a scheme for 'designer immigrants' to be educated at South African universities, using bursaries, loans, and accelerated access to permanent residence for those who graduate. In doing this, we should target all countries whose universities fail to offer adequate opportunities for able young people, especially in respect of technical skills we need so badly.

4. Asylum-seekers and refugees

For various reasons, large numbers of people in Africa and elsewhere are seeking asylum in South Africa. While the DHA has significantly improved its claims-processing performance, the sheer volume of applications has generated significant backlogs. Future volumes of applications are beyond our control, and there is a limit to which the DHA can be resourced

to deal with these. Obviously, any improvement in its capacity would be welcome, but the ultimate goal should be to reduce the number of the people who apply for asylum.

What do we need to get there?

The fact that 90 per cent of applicants fail to secure refugee status – a rate comparable to many European countries – means that the government is probably correct in claiming that many asylum-seekers are actually ‘economic’ migrants rather than refugees. One of the principal incentives for having a debate about a legal pathway for economic migrants (see below) is to take the pressure off the asylum system, and to deal with economic migrants in their own right. However, it must also be recognised that some proportion of asylum-seekers are genuine refugees.

What does this mean in practice?

In the short term:

- A special task force to clear the applications backlog must be established. If a pathway to legality were open to economic migrants, and with the agreement of the individuals concerned, the task team could divert some applicants to that programme. It would also require the capacity to deport unsuccessful applicants.

In the longer term, we should:

- Develop a ‘safe third country’ system in the region via partnership agreements with countries whose human rights regimes are similar to ours.
- Research the profiles of asylum-seekers (especially those from far afield), including their motivations for choosing South Africa and their routes of access, in order to establish how to discourage more people coming from afar.

5. Irregular migrants

Reforming our approach to skilled migration is the highest of our migration policy priorities because it is here that the greatest potential benefits are to be found. However, this cannot be divorced from the broader need to manage all forms of migration more effectively. This involves all migrants who seek economic opportunity in South Africa by means other than entry under the permit system, as well as many who seek asylum here.

There are fewer irregular immigrants in South Africa than suggested by most of the estimates that have gained public currency. Immigrants also make smaller demands on public services than is generally believed, and contribute more to the economy than is usually recognised. However, this does not provide grounds for complacency. The political and social challenges of unskilled migration need to be actively managed. It is clear that flows of irregular migrants are likely to persist, though they will fluctuate with changing political, economic, demographic and even climatic conditions in sub-Saharan Africa. We need policies that recognise the realities as well as the limits to what can be achieved.

What do we need to get there?

The authorities currently have significant legal powers to prevent the entry of people, and to arrest and deport irregular migrants. Indeed, the SAPS is expending a lot of time, energy

The political and social challenges of unskilled migration need to be actively managed

Creating a legal pathway for unskilled immigrants from SADC could ensure that migrants make a bigger contribution to South Africa's economy than they do at present

and resources on doing precisely that. This has not prevented the growth of an underground population that is sometimes bullied and harassed by corrupt police officers, and which occasionally find itself at the centre of dangerous local tensions.

What are the costs of eliminating this underground population by means of more rigorous, less corrupt, more efficient use of the powers the authorities already have? Even if such a strategy was sure to work, the likely costs include:

- The direct costs of increased numbers of better-equipped police and military personnel, as well as the infrastructure to support them, including fences along more of the border.
- The opportunity costs of spending money in this way and not in more economically productive ones.
- The diplomatic and trade costs of more intensive regulation and policing of cross-border flows of people and goods.
- The invisible costs of increasing the incentives for corruption that stricter law enforcement will generate.

Another factor to be borne in mind is the limited likelihood of finding enough competent, efficient and incorruptible personnel to carry out a large-scale, ongoing operation that will find, hold and deport undocumented panel beaters, casual construction labourers, and hairdressers. We need to ask whether such personnel might be better employed in apprehending real criminals.

Creating a legal pathway for unskilled immigrants from SADC could ensure that migrants make a bigger contribution to South Africa's economy than they do at present. A known and legal migrant population would be easier to manage and would make a bigger contribution to the economy (by being registered for tax, for instance) than an unknown and underground one.

Such a scheme could also reduce opportunities for corruption, exploitation, xenophobia, and crime. The burden on law enforcement would be reduced; there would be less incentive for people smugglers to operate, and law enforcement efforts could be better targeted at more serious forms of criminality. Moreover, much of the incentive for abusing the asylum system would fall away. South Africa would be able better to discharge its obligations to asylum-seekers and refugees, and the authorities would be able to concentrate on the remaining applications.

Set against these potential benefits, there are numerous challenges that must be confronted and addressed. This can be illustrated by asking the simplest of questions about any scheme to allow temporary access to South Africa by economic migrants:

- Should it be a guest worker programme (that is, of fixed duration and with built-in return) or a pathway to permanent residence?
- Which neighbouring states should participate?
- Should the number of permits be fixed or not?
- How would we treat irregular migrants who are already here? Would we offer an amnesty or insist that they return home to apply for legal status?
- How would such a scheme be policed, and how would the system be kept free of corruption?
- How would the issue of access to South Africa by close family members of the bearer of a temporary work permit be addressed, given that 'family reunion' is the single largest category of immigrant entry to the United States?

An indication that the government has begun to consider such cost-benefit calculations is given by its special dispensation for Zimbabwean nationals in South Africa (see box, this page).

A NEW DEAL FOR ZIMBABWEANS

In April 2009 the DHA announced plans to create a new permit for economic migrants from Zimbabwe, which would allow them to live and work in South Africa as well as access health care and education.⁵⁶ In May 2009 the department made this proposal more concrete and less generous, proposing that a free 90-day visa waiver be granted to Zimbabweans, and that they should be allowed to do casual work.⁵⁷ In June 2009, however, the Minister of Home Affairs, Nkosazana Dlamini-Zuma, sent this proposal 'back to the drawing board'.⁵⁸ In October 2009, the deputy minister, Malusi Gigaba, announced that the department had presented the cabinet with a proposal to grant a 'special dispensation' to Zimbabweans in terms of which applicants would be automatically granted work and residency permits. It appeared that these special permits would be valid for three years.⁵⁹

The most concrete result of this confused process was a moratorium on the deportation of Zimbabweans from South Africa. South African government sources indicated that Zimbabwe's inability to provide its citizens with the documents (such as passports) that would make this kind of scheme workable was a major constraint to further developing the scheme.

In early September 2010 the South African government announced that the special dispensation would be ended by agreement with the Zimbabwe government, and 'undocumented' Zimbabweans would henceforth be deported.

'Undocumented' in this sense appears to mean without Zimbabwean documents as well (presumably) as without South African documents: 'As part of this agreement, the Zimbabwean government undertook to issue documents to all undocumented nationals.'⁶⁰ The statement also included an undertaking to issue relevant permits to all Zimbabweans who were working, studying or running a business in South Africa, 'provided they have valid Zimbabwean documents'.⁶¹ Ending the dispensation was justified in terms of seeking to ensure 'that all foreign nationals who reside in South Africa are documented and their presence regularised'.⁶² The deadline for issuing documents (both by the Zimbabwean and South African authorities) was set as 31 December 2010, and the process will be extended to other neighbouring countries.

Delivering on this policy initiative is a significant administrative challenge, especially if the tight deadline is to be met, and doubts have been expressed about its feasibility. Depending on how the process works in practice, it could provide valuable lessons in developing a more strategic policy for regularising the presence of nationals from neighbouring countries in South Africa.

CDE 2010

What does this mean in practice?

South Africa should try to find a plausible legal pathway for 'economic migrants'. At the same time, the state should compare the costs and benefits of this approach with either continuing the status quo, or intensifying law enforcement. Ultimately, we need a

We need a policy that will invite and welcome many more skilled migrants, and which will also allow some unskilled migrants to earn the right to live in South Africa

The status quo is too damaging to be allowed to continue, and stricter law enforcement will cost far more and have uncertain results. We have to consider alternatives

policy that will invite and welcome many more skilled migrants, and will also allow some unskilled migrants to earn the right to live in South Africa.

Developing such a policy will not be easy; programmes of this sort in other countries are politically contentious, and their impact difficult to assess in advance. This debate has to happen urgently, however; it has to be honest, open, and well-informed. The status quo is too damaging to be allowed to continue, and stricter law enforcement will cost far more and have uncertain results. We have to consider alternatives.

Concluding remarks

SOUTH AFRICA HAS put too many obstacles in the path of skilled foreigners who might want to live and work here, and whom the country desperately needs. We have made little effort to recruit the thousands of skilled people that could accelerate economic growth, create employment, and assist with social and economic development. We have made too little effort to identify skills among refugees or Zimbabweans to make sure we use them to best effect. This situation has been worsened by the emigration of many skilled people.

At the same time, the government has failed to manage the inflow of large numbers of (formally) unskilled people, whether economic migrants or refugees. It is impractical to throw up a wall around our borders, so we need to balance more effective border control with the creation of alternative legal channels for migrants.

This twin failure – to recruit and retain skilled people, and manage the entry of unskilled people – is holding back our prospects for growth and development, and exacerbating social tensions.

The realities outlined in this report must be brought home to all South Africans. Migration cannot be stopped or rigidly controlled. This is not necessarily a bad thing; the history of human progress is a story of migration. The lesson of this history is that movement towards areas of increased opportunity invariably benefits migrants, their countries of origin, and their destinations. If carefully managed, migration is a resource of immense potential. South Africa should start managing it with this frame of mind.

With smart leadership and well-designed policies that put South Africa first, the nation could reap enormous benefits from welcoming the brave and energetic people – the risk-takers – who wish to migrate to this country in search of a better life.

Appendix A: Research reports commissioned for this project

Resource report

Skills, Growth and Borders: Managing migration in South Africa's national interest.

Research surveys

All surveys were conducted by Professor Lawrence Schlemmer in collaboration with MarkData.

Immigrants in Johannesburg: Foreign immigration to South Africa's largest metropolis, survey commissioned by CDE, August 2007.

The South African skills crisis at company level: Implications for government policy, survey commissioned by CDE, April 2007.

Between hostility, acceptance and hope: Foreign immigration in Witbank, survey commissioned by CDE, November 2005.

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Catherine Cross and others, Migration management challenges in South Africa 2010-2020, report commissioned by CDE, March 2009.

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Maxine Reitzes, Xenophobia in South Africa, report commissioned by CDE, November 2008.

Christy Mullinder, Emigration of health professionals from South Africa, report commissioned by CDE, August 2008.

Matthew Stern and Amanda Jitsing, Immigration policy and the permit system: Changing laws, changing mindsets, report commissioned by CDE, July 2008.

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