national planning commission

Department:
The Presidency
REPUBLIC OF SOUTH AFRICA

Advisory on Migration Governance

Contents

Introduction

The conundrum of managing the influx of migrants presents complex challenges for human rights protection and sovereignty of countries globally and for South Africa, in particular. Planning for migrants, despite limited knowledge about their numbers and circumstances, particularly undocumented migrants, has been a delicate balancing act for the South African government, which must navigate a thin blurred line between protecting human rights and maintaining state sovereignty. Migration, when effectively managed, holds significant potential to transform societies. This is particularly true in regions like Southern Africa, where the movement of people has significantly shaped economic landscapes and social structures.

As part of its commitments to the Global Compact for Migration, South Africa has embraced mechanisms to create and enhance regular migration pathways. These efforts aim to ensure that migration occurs in a dignified and regulated manner, reduce irregular migration, and eliminate opportunities for human traffickers. However, the unprecedented migration level as a global phenomenon has shone a spotlight on the movement of many people fleeing conflict or the effects of climate change and political violence in the Southern African region. We must recognise that South Africa is a host nation adjacent to political and economic instability and famine zones.

Despite the opportunities that migration presents, anti-immigrant sentiments have become more prolific, manifesting in movements like *Operation Dudula* and xenophobic attacks. Migrants are often blamed for economic hardships, crime, and pressure on services such as healthcare, but these claims are largely unsubstantiated. For instance, in 2023 the Department of Correctional Services reported that migrants make up only 9351 of the 212 286 inmates in their facilities across the country despite accounting for approximately 2.4 million of the 62 million South African population.[1] Narratives of there being an 'influx' of foreigners in South Africa and of the millions of "illegal" migrants have no basis in fact. Even though the International Organization of Migration (IOM) estimates there are about 30-40 million irregular migrants globally, some South Africans surveyed by the Human Sciences Research Council (HSRC) estimated similar numbers in South Africa alone.

The rise in undocumented migrants strains public resources, amplifying perceptions that migrants are a financial burden and security risk. Such views have led to the evolution of costly

responses, such as building barriers and housing migrants in camps, which only adds to their frustration and despair and deepens the 'othering' of migrants by nationals. Service delivery challenges for undocumented migrants in South Africa are complex and driven by a mix of social, political, cultural, and religious factors. Challenges related to safety and security as well as labour migration exist and should be dealt with from an evidence-based perspective rather than denied. Although some undocumented migrants may engage in illegal activities, linking migration as a whole to socio-economic problems, such as unemployment, inequality, and crime, is overly simplistic (Magidimisha *et al*., 2019). Scapegoating migrants fuels xenophobia by providing a straw man argument rather than addressing South Africa's broader issues, including a youth unemployment rate of 62% among 15- to 24-year-olds (Stats SA, 2022). Government's approach to migration governance must be guided by evidence-based mechanisms, not populist sentiment from a frustrated populace. Criminalising irregular migration without fully considering and understanding its causes should not be one such mechanism because irregular migration can simply be an expression of the desire to migrate. However, where a legal pathway is not available or the administrative regime is unable to process the desire of migrants to regularise their status, irregularity becomes inevitable.

Despite these challenges, South Africa's policies generally promote inclusivity. Migrants, including asylum seekers, are allowed to integrate into local communities, benefiting from freedom of movement and economic opportunities through employment and business ventures. Many migrants from the Southern African Development Community (SADC) have settled in townships, with some marrying South Africans. Entrepreneurs from Somalia, Pakistan, and Bangladesh have established businesses in urban and rural areas, contributing to local economies. However, the overall impact on improving their livelihoods remains limited.

Although migrants can integrate into local communities, they receive no direct government support, leaving many undocumented migrants without the means to sustain themselves. Since most are ineligible for government social support, they rely entirely on limited assistance from non-governmental organisations (NGOs) and religious organisations. As a result, entrepreneurship is prevalent among migrants, who often bring skills and contribute to the economy and social diversity.

According to the National Development Plan (NDP), migration was expected to reshape South Africa's demographic landscape by 2030, emphasising the need for effective migration policies and urban planning to manage both rural-to-urban shifts and cross-border migration. In

response to migration challenges, the National Planning Commission (NPC) convened a high-level multi-day conference in August 2024, in partnership with the South African government and international organisations like the IOM, the United Nations Development Programme (UNDP), and the European Union (EU). Supported by the African Development Bank (AfDB), the conference sought to surface the multifaceted dimensions of migration and shift the narrative of migration from being viewed as a scourge to an opportunity for regional development and integration. The conference forms the basis of this advisory for the government of South Africa.

Born out of collaborative effort, this advisory provides strategic insights and targeted recommendations for the South African Presidency and relevant departments. It outlines a path for leveraging migration as a key driver for development through informed policymaking, regional cooperation, and the alignment of South Africa's migration policies with international best practices. These actions will progressively ensure that migration contributes positively to the country's socio-economic landscape, fostering sustainable growth and enhancing South Africa's role in regional integration and global migration governance.

1. Conundrum of undocumented migrants

The lives of undocumented migrants involve complex interactions of social capital, individual agency, and mobility within constraining policy structures. To address the conundrum associated with undocumented migration, a comprehensive and humane policy framework is essential. Recognising the contributions of undocumented migrants while ensuring social stability and economic integration requires a holistic approach. The following recommendations aim to guide policymakers toward creating an inclusive and effective migration strategy that respects human rights, promotes social cohesion, and fosters sustainable community development. While some of recommendations address the long term, others can be implemented immediately.

Recommendations

- **Regularisation and Pathways to Legal Status**: The Department of Home Affairs (DHA) and other relevant departments should develop pathways to legal residency for undocumented immigrants meeting specific criteria, such as long-term residence, stable

employment, and the absence of a criminal record. There is a need to simplify the process and remove bottlenecks to improve efficiency. Additionally, efforts should be fast-tracked to identify and address the presence of irregular migrants in a manner that upholds both national security and human rights standards.

- **Comprehensive Immigration Reform**: The DHA should review and simplify immigration laws to make the process for obtaining work permits and visas more efficient and accessible. This can help reduce undocumented migration by providing clearer legal channels. Additionally, fast-track the reform of the "*Overhaul of the Migration System*"[2] to ensure timely updates that reflect current migration needs and economic priorities.

- **Enhanced Border Security and Monitoring**: Strengthen border control with advanced technology and increased staffing to prevent illegal crossings while upholding human rights standards. Different studies show the importance of controlling borders using advanced technology, which the DHA should implement to improve efficiency and effectiveness.[3]

- **Reining in Institutionalised Corruption**: Corruption should be reined in to ensure integrity in border management, making it essential to address and mitigate institutionalised corruption as part of this strengthened approach. There is compelling evidence that certain government officials are actively facilitating the illegal stay of undocumented migrants by providing fraudulent documents in exchange for bribes. This egregious misconduct undermines the rule of law and erodes public trust in government institutions. In light of this, it is imperative to implement stringent consequence management measures to address such corruption decisively. Perpetrators must face harsh disciplinary actions, including long custodial sentences, to serve as a strong deterrent against these unlawful practices and restore integrity within public service.

- **Education and Awareness Campaigns**: The Government Communication and Information Service, DHA, and the Department of International Relations and

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[2] The *White Paper on Citizenship, Immigration, and Refugee Protection: Towards a Complete Overhaul of the Migration System in South Africa* (April 2024) sets out significant reforms aimed at restructuring South Africa's approach to managing citizenship, immigration, and refugee matters. Key proposals include Citizenship Reform, Refugee and Asylum Policy Changes, Immigration and Border Management, and Document and Birth Registration among other key pressing issues.

[3] Enhance border control through employing technology in the operations of mechanisms like the Border Management Authority (BMA).

Cooperation (DIRCO) should implement public campaigns that educate both migrants and host communities on migrant rights, contributions, and realities. These initiatives should aim to reduce stigma, combat discrimination, and promote tolerance by profiling positive stories alongside challenges. There is a need to develop a mechanism to track and quantify the contribution of migrants.

- **Regional and Global Collaboration:** To effectively address the multifaceted challenges of migration, the South African government should take a leadership role in engaging both regional and global partnerships. This involves collaborating with neighbouring countries to manage cross-border migration through shared practices and coordinated responses as well as partnering with international organisations and foreign governments. These efforts should focus on tackling migration's root causes, such as poverty and violence, through comprehensive and unified approaches that leverage coordinated global and regional strategies.

- **Strengthening Labour Rights**: Ensure all workers, regardless of immigration status, have access to labour protections to improve working conditions and deter exploitation.[4] Migrants, whether documented or undocumented, are entitled to fundamental rights including fair labour practices and freedom from forced labour. Trade unions can play an essential role in this case in advocating for the rights of migrant workers and ensuring compliance with wage and labour regulations. The Department of Employment and Labour has tried to address this issue for years, with the International Labour Organisation and IOM also highlighting its importance. Enforcement should prioritise supporting compliance through education and awareness rather than being punitive and attention must be given to social security, as both documented and undocumented migrants often face exclusion. Furthermore, there is a need for a roundtable engagement that includes employers, trade unions, DIRCO, retail associations, and other role players. More emphasis should be placed on implementing the existing regulations and forming a regional migration integration strategy.

- **Access to basic services:** While South Africa does not discriminate in terms of access to education and health, migrants would put additional pressure on our social

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[4] In South Africa, the **labour laws that guide wages and working conditions, including those for migrants**, are primarily the same laws that apply to all workers, irrespective of their nationality. The laws include the Basic Conditions of Employment Act 75 of 1997, the Labour Relations Act 66 of 1995, the National Minimum Wage Act, No. 9 of 2018, the Employment Services Act, 8 of 2011, and the Immigration Act 13 of 2002 among other relevant laws

infrastructure. There is a need to encourage documentation of migrants to ensure efficient and effective service delivery and planning. The expenditure by all spheres of government on undocumented immigrants accessing public social services should be quantified so it informs planning where these services are being provided and accessed. Notwithstanding this additional load, it is commendable to note the government's expenditure on undocumented immigrants.

Collaboration between government and the private sector should be actively promoted where migrants rely on private social services such as healthcare and education. To support this partnership, relevant government departments must take a proactive role in establishing mechanisms for the registration of migrants as taxpayers. Furthermore, an extensive information campaign should be launched to emphasise the importance of tax compliance, framing it as both a critical responsibility and a shared duty for all residents in South Africa. This approach will ensure equitable contributions to national development while fostering social cohesion and sustainable service delivery.

- **Data Collection and Research**: South Africa has a significant number of undocumented migrants, and this situation cannot be left unattended. Enhancing data collection on migration patterns, including the demographics of undocumented migrants, is vital for shaping informed policy decisions and developing targeted interventions. Developing a strategy for collecting data on undocumented migrants is essential to ensure that policies are grounded in reality and address actual migration flows. This strategy should include collaboration with local and international organisations, NGOs, and community leaders who can provide insight into hard-to-reach populations.
- **Monitoring and Evaluation**: Implement systems for monitoring and evaluating migration policies and programs to refine strategies and address new challenges as they arise.

2. Diaspora as an Economic Driver.

The conference highlighted the significant role of the diaspora, which sends over $65 billion annually to Africa—far surpassing international aid. This financial contribution, if adequately harnessed, can be a pivotal force for development.

Recommendations:

- **Develop a National Diaspora Policy**: South Africa receives fewer remittances in comparison to the remittances being sent from South Africa to other countries. The relevant departments including DIRCO, DHA, and Statistics South Africa (Stats SA) should prioritise formulating a national diaspora engagement policy, aimed at fostering structured remittance flows, investment, and entrepreneurship from South Africa's diaspora communities. The African Union's Agenda 2063 and its focus on the diaspora as a key driver for development should serve as a guiding framework.

- **Create Incentives for Diaspora Investment**: Establishing diaspora bonds, investment forums, and streamlined pathways for diaspora-driven entrepreneurship will further stimulate economic growth, as demonstrated by successful diaspora engagement in Mauritius. The government could devise incentives to encourage greater investment in South Africa by migrants.

3. Data-Driven Policy Development.

Migration-related policies often lack robust, up-to-date data, limiting their effectiveness. Contributions from the conference underscored the necessity of evidence-based approaches to policy development, using migration data to inform decision-making.

The key to sound migration governance is the collection and sharing of all relevant migration data, acknowledging and incorporating accredited research, and that it is rooted in human rights law and adheres to South Africa's international obligations. Migration is not a problem but an opportunity waiting to be managed for the benefit of all.

Recommendations:

- **Strengthen Migration Data Systems**: Government departments including those responsible for health, basic and higher education, employment, labour, etc., should collaborate with Stats SA and regional data management entities to enhance the collection, analysis, and use of migration data. This will improve understanding of migration trends and their socio-economic impacts and support more responsive and effective policies.

- **Harmonisation of government data:** Migration is a cross-cutting issue requiring a comprehensive all-of-government approach, with each government department playing a critical role. A key challenge for departments like Stats SA is accessing essential migration-related data for effective management and measurement. When compiling the Migration Profile Report, they received only aggregated summary tables from departments rather than direct database access, limiting the depth of analysis. Formalising and implementing data-sharing agreements remains a significant barrier, and there is a limited collection of disaggregated data by migratory status, contrary to global recommendations. This gap often leads to survey overloading, impacting data quality. Renewed engagements with the DHA are promising, but broader interdepartmental collaboration is essential to support comprehensive migration management, particularly in policy development, service delivery, and migrant economic integration.

- **Internal Migration Data Collection:** To address internal migration and emigration issues, the DHA should implement frequent measurement practices that extend beyond census years. The key problem is to avoid giving the impression that the government is tracking people and to communicate that the data collection is necessary for statistical and planning purposes only. Furthermore, migration monitoring is complicated by circumstances where persons live in two places or countries in the same year, requiring correct reporting of internal or international movement status. For data to be effectively and correctly captured, people must understand its use. Alternatively, there should be an incentivised system for migrants to self-enumerate to ensure they are properly integrated into society and planning systems

- **Regional Data Harmonisation**: Partner with SADC member states to establish regional migration databases that share information on migrant labour, remittances, and diaspora involvement. Such systems can inform regional strategies for managing migration and promoting economic development. Shift the narrative from the dangerous sea crossings often portrayed in media to reflect the reality of intra-continental migration, which is influenced by historic socio-economic, and community factors. This will allow for more targeted and effective migration policies.

- **Expand Migration Data in National Surveys:** Integrate migration-related questions in national surveys such as the Quarterly Labour Force Surveys to collect periodic, updated data that reflects migration trends and their impacts on South African society.

4. Regional and International Cooperation.

There is an urgent need for regional collaboration between countries to effectively manage migration and promote diaspora engagement. This is in line with the SADC Secretariat's call for a regional diaspora policy, highlighting the need for collective action.

Recommendations:

- **Promote Regional Policy Alignment**: The relevant departments should advocate for harmonised migration policies across the SADC region, focusing on shared challenges like undocumented migration, visa fraud, and labour migration. Aligning policies will promote smoother cross-border movement and reduce tensions related to resource competition.

- **Foster International Collaboration**: Collaborate with global partners, such as the IOM, African Union, and UNDP to ensure migration policies align with international best practices. The African Union's **Agenda 2063,** which focuses on the diaspora as a key driver for development, should serve as a guiding framework.

5. Labour Migration and National Security.

Migration policy changes in South Africa highlighted challenges related to visa fraud, undocumented migrant exploitation, and labour rights protection. The government's proactive approach, including a points-based system and civil registration, is aimed at addressing these issues.

Recommendations:

- **Implement a Fair and Efficient Labour Migration System**: The relevant government departments should support the adoption of a points-based migration system that attracts skilled labour while protecting migrant workers' rights. Governments tend to use a points-based migration system to attract skilled workers by assigning points to applicants based on factors such as education, work experience, language skills, age,

and job offers. Those who meet the required point threshold can apply for visas or residency, aligning migration with labour market needs and economic priorities. While this system supports economic growth by addressing skill shortages and helping migrants integrate effectively, it must be designed in a way that is not exclusionary. Criteria that are too rigid have the potential to limit opportunities for lower-skilled individuals or those from disadvantaged backgrounds.

- **Strengthen Legal Protections for Migrant Workers**: Ensure the implementation of labour policies that protect migrant workers from exploitation, including fair wages, workplace safety, and access to social services. Evidence-based policymaking will ensure that both migrants and the South African economy benefit from migration.

- **Apply Legal Provisions Related to Trade and Entrepreneurship Equitably**: Self-employed migrants should be regularised by monitoring their compliance with South Africa's trade and safety regulations in the same manner as other South African businesses are monitored. Regularisation can facilitate their integration into society and the economy.

6. Humanistic and Dignity-Focused Approach to Migration.

Emphasis must be placed on the importance of treating migrants with dignity and ensuring their well-being. Migration policies should reflect a comprehensive understanding of demographic trends while prioritising human rights.

Recommendations:

- **Adopt a Human Rights-Based Migration Policy**: The relevant government departments should advocate for policies that safeguard the rights and dignity of migrants. This includes access to healthcare, education, and legal protections, ensuring that migration contributes to both the socio-economic development of South Africa and the well-being of migrants themselves. The **South African Human Rights Commission (SAHRC)** should play a pivotal role in this process, serving as a watchdog to ensure that the rights of migrants are respected and that government policies align with constitutional and international human rights obligations. The SAHRC should provide oversight, advocate for vulnerable groups, and collaborate with stakeholders to foster a migration framework that emphasises inclusion and equity.

- **Focus on Vulnerable Migrants**: Special attention should be given to vulnerable migrant groups, including women, children, disabled people, and migrants, ensuring that migration policies do not exacerbate their marginalisation.

7. Attitudes towards Immigrants

The research insights from the HSRC[5] provide a comprehensive examination of xenophobic attitudes, immigration policy preferences, and the factors driving anti-immigrant hate crimes in South Africa. Despite government efforts between 2003 and 2012, xenophobic attitudes persisted, driven by stereotypes portraying immigrants as economic and political threats. However, these sentiments were not directly linked to dissatisfaction with service delivery or life satisfaction. Instead, intergroup contact and perceptions of immigration's consequences emerged as stronger predictors of anti-immigrant sentiment, underscoring the importance of fostering social cohesion at the neighbourhood level to counter prejudice. The research also reveals that a weak Pan-African identity fuels intolerance toward refugees, highlighting the need to promote both Pan-African solidarity and racial cohesion as strategies to mitigate xenophobia.

Key findings challenge common assumptions, such as the expectation that the Covid-19 pandemic would exacerbate anti-immigrant attitudes; instead, pandemic-related fears were associated with pro-immigrant views. Persistent drivers of hostility include nationalism, isolationism, and concerns about immigration's social and economic impacts. Refugee hostility is shaped by economic competition and political alienation, while Social Dominance Orientation (SDO) strongly correlates with xenophobic violence. SDO is a psychological concept that describes an individual's preference for hierarchy within social groups and their inclination to support the dominance of "superior" groups over "inferior" ones. People with high SDO tend to believe in and support systems that maintain group-based inequalities, often favouring policies or actions that uphold hierarchical social structures.

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[5] The HRSC completed a policy brief on xenophobia in South Africa, entitled "Combating anti-immigrant hate: Public voices and government response" as well as the HRSC's work together with market research partner IPSOS on anti-refugee sentiment in South Africa. In addition, there have been a number of media outputs on the issue. Research was, for example, published in the media includes issues related to what drives of anti-immigrant hate crime, controversaries over the numbers of international migrants, how we can fight xenophobia and public attitudes towards the impact of immigration on the labour market.

Interestingly, participation in voluntary associations may unintentionally increase engagement in xenophobic behaviour, suggesting a complex interplay between social structures and prejudice. Effective interventions, ranging from public awareness campaigns to systemic reforms, are critical to addressing the roots of xenophobic violence and promoting inclusive societal values.

Recommendations:

- **Foster Pan-African and Racial Cohesion:** Initiatives that promote identification with a Pan-African identity, alongside reducing interracial competition, may help reduce xenophobia. Campaigns highlighting the shared African identity and interdependence could shift public attitudes.

- **Target Social Dominance Orientation:** Specific strategies should be aimed at individuals with high SDO, including education and social programs that promote equality, diversity, and inclusion to reduce their likelihood of engaging in anti-immigrant violence. Individuals with high SDO may perceive immigrants as threats to the social hierarchy or their group's dominant status. This belief can increase hostility, prejudice, and even violent actions against out-groups perceived as competing for resources or status.

- **Tailor Xenophobia Reduction Strategies:** Public education campaigns should be tailored based on preferences and attributions of responsibility for xenophobic violence. Building political trust and addressing underlying social dominance attitudes can garner public support for anti-xenophobia measures.

8. Internal migrants

As South Africa's internal migration is higher than its cross-border migration,[6] it faces mounting pressure on urban infrastructure, housing, and public services.[7] Migration, whether domestic or international, has reshaped urban demographics, necessitating proactive and inclusive planning measures to enhance the quality of life for all residents. To address these evolving dynamics, the following recommendations outline strategies to support documented migrants and meet the needs of internal migrants through sustainable development, infrastructure investment, and resilience-building efforts. By implementing these recommendations, South Africa can ensure that its urban areas remain vibrant, inclusive, and well-prepared for future growth.

Recommendations:

- **Implement the National Spatial Development Framework (NSDF):** The NSDF is a strategic national plan aimed at guiding spatial development across South Africa to achieve equitable access to resources and sustainable growth. Key objectives include promoting balanced regional development, reducing spatial inequalities, and integrating urban and rural areas to support cohesive communities so people do not have to move from rural to urban areas to seek better opportunities. The NSDF is intended to facilitate equitable distribution of services and opportunities between urban and rural areas.

- **Investment in Infrastructure:** Upgrading and expanding infrastructure such as roads, public transportation, water supply, and sewage systems is essential to accommodate population growth and improve quality of life. Investments should focus on creating a resilient infrastructure to support growing urban populations.

- **Affordable Housing Initiatives:** Implement policies such as the Social Housing Act, the Inclusionary Housing Policy, and rental subsidy programs to promote the

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[6] "While international migration is more politically sensitive, movements between and within provinces and municipalities represent the most numerically significant form of movement in the country. The migration of foreigners into the country is often less important to population patterns than other dynamics such as fertility rates and internal migration. For example, between 2001 and 2007, 74 percent of Gauteng's population growth was due to natural growth, 26 percent due to migration and only 3 percent was due to cross border migration" (Statistics South Africa, 2011) citied in the National Development Plan, 2030.

[7] "Movements into and within municipalities have significant implications for planning, budgeting and the provision of services. Municipalities are often unable to respond effectively because they do not have sufficient data, or the necessary skills to make sense of the data they have". African Centre for Migration and Society (2011) cited in the National Development Plan, 2030.

development of affordable housing options. This can include incentives for private developers and support for cooperative housing projects, ensuring that all residents have access to safe and affordable housing.

- **Smart Growth Policies:** Encourage high-density, mixed-use developments that integrate residential, commercial, and recreational spaces. This approach reduces reliance on automobiles, promotes walkability, and supports more efficient land use, fostering vibrant, sustainable communities.

- **Public Transportation Systems:** Invest in efficient and reliable public transit to reduce traffic congestion, lower carbon emissions, and provide accessible transportation options for all residents, regardless of socio-economic status.

- **Green Spaces and Sustainability:** Integrate green spaces, parks, and sustainable practices into urban planning to boost quality of life, biodiversity, and climate resilience. Engage local communities in the planning process to ensure that development aligns with their needs, fostering a sense of ownership and collaboration.

- **Economic Development Programs:** Promote economic diversification and job creation within urban areas to enhance resilience against economic shifts and provide opportunities for residents. These programs should support skills training and entrepreneurship, fostering a more inclusive economy.

- **Disaster Preparedness and Resilience:** Implement strategies to prepare for and respond to natural disasters and climate change impacts. This includes developing resilient infrastructure, emergency response plans, and community awareness programs to protect urban populations.

- **Invest in Technology and Innovation:** Encourage government bodies, private sector partners, and research institutions to leverage technology to enhance urban services, streamline governance, and foster innovation in addressing urban challenges. This can include the use of smart city technologies, data analytics, and digital platforms to improve service delivery and urban management.

9. Conclusion.

The "Migration as a Development Catalyst" conference underscored the significant role that migration can play in driving South Africa's socio-economic transformation. The insights and recommendations outlined in this advisory provide a roadmap for the relevant government

departments to harness the potential of migration through targeted policy interventions. By promoting diaspora engagement, enhancing data-driven policy development, fostering regional and international collaboration, and ensuring a human rights-focused approach, South Africa can transform migration into a key enabler of sustainable development. Aligning with global frameworks and leveraging the collective efforts of regional stakeholders, migration policies can contribute to the nation's long-term growth, reinforcing the goals of the African Union's Agenda 2063 and the National Development Plan. Embracing these strategies will not only strengthen South Africa's position as a leader in migration management but also enhance social cohesion and economic prosperity across the region.

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