



# **Counting the Cost of Securitising South Africa's Immigration Regime**

Gregory Mthembu-Salter, Roni Amit,  
Chandre Gould and Loren B. Landau

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Migrating out of Poverty

Arts B, University of Sussex

Falmer, Brighton BN1 9QN, United Kingdom

tel: +44 (0)1273 873535

email: [migrationrpc@sussex.ac.uk](mailto:migrationrpc@sussex.ac.uk)

web: <http://migratingoutofpoverty.dfid.gov.uk/>

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## Abstract

Over the past decade, South Africa's political leadership has increasingly framed international migration as a threat to national, physical and economic security. This has been accompanied by popular and political calls to strengthen border controls and increase enforcement through detention and deportation. This development will bring potential costs and benefits to the economy and real, direct costs to the taxpayer. At present, there is no publicly available financial information on South Africa's expenditure on immigration enforcement and no estimates of the potential costs of increasing immigration control. This report constitutes an initial effort to estimate these costs. It finds that the costs to the South African state of enforcing its migration policy are largely unknown to the South African public and the state itself. Through an analysis of public records and budgets on the police, defence force, and other associated public bodies, this report suggests that direct expenditure on enforcing immigration is relatively modest as a percentage of GDP, or when compared with countries in Europe and North America. However, in absolute terms, the figures are high by African standards and not adequate to support a programme of action that can accomplish the government's stated objectives. In part, this is because significant funds are spent (unsuccessfully) on defending the government for failure to comply with the law.

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## Acronyms

DHA	Department of Home Affairs
OECD	Organisation for Economic Co-operation and Development
SANDF	South African National Defence Force
SAPS	South African Police Service

## Introduction and Summary of Findings

This paper is based on research that aims to improve the information used in deliberations over international migration policy and management. Following South Africa's decision to reframe migration as a security issue, there have been calls within Parliament and in publications to strengthen border controls and increase enforcement through detention and deportation. There may be benefits to an enhanced security response, but it comes with potential costs. Although few can deny the political utility of arresting and restricting the livelihoods of an unpopular minority group – lower-skilled immigrants from Africa and beyond – such an approach incurs direct costs to South Africa's fiscus and reputation, both regionally and internationally. Moreover, although protecting the labour market may create space for South African workers or elevate their wages, it may also result in increased labour costs, skill shortages and decreases in regional remittances, all of which could suppress trade and investment as well as limit economic growth.

At present, there is no publicly available financial information on South Africa's expenditure on immigration enforcement and no estimates of the potential costs of increasing immigration control, as suggested in new policy proposals. This report constitutes an initial effort to estimate these costs. It has two primary goals:

- To assess and summarise the direct costs of current immigration-control mechanisms, to the extent that current data allow.
- To explicitly identify gaps in the data and information that are currently available.

This paper shows that the costs to the South African state of enforcing its migration policy are largely unknown to the South African public and the state itself. The research presented here attempts (and partially succeeds) to address this lacuna. It has been largely possible – although several gaps remain – to estimate the amount that the Department of Home Affairs (DHA) spends on enforcing the country's immigration and asylum rules. Precise costs are also available for the South African National Defence Force's (SANDF) efforts to control the country's borders and enforce migration policy. The major gap, despite the pioneering research that was conducted in Gauteng, is a reliable estimate of how much the South African Police Service (SAPS) spends enforcing migration and asylum law.

The findings suggest that, at this stage, the South African state's direct expenditure on enforcing immigration is relatively modest as a percentage of GDP or when compared with countries in Europe and North America. However, in absolute terms, the figures are high by African standards and not adequate to support a programme of action that can accomplish the government's stated objectives. In part, this is because significant funds are spent (unsuccessfully) on defending the government for failure to comply with the law.

This paper begins with a general discussion on the scale of migration to South Africa, followed by an outline of the literature on immigration costs. Next, it summarises the South African legislative framework for migration and asylum. It then presents the available data on the direct costs to the South African state of enforcing or policing migration and asylum law. The report concludes by considering research strategies to tackle the broader costs – political, economic and social – of migration enforcement.

## The Scale of Migration to South Africa

Estimates of the size of South Africa's illegal migrant population vary widely, but are usually between 3 and 6 million (Mail & Guardian Staff Reporter 2009). These numbers have been contested with the assertion that the figures are inflated and may better reflect the total number of foreign-born people in the country. These estimates would include immigrants with or without documentation, naturalised citizens and others who were born outside South Africa's borders. Figures from South Africa's 2011 Census suggest that 3.3 per cent, only about 1.7 million, of the country's 51.7 million residents were non-citizens. Data collated by the World Bank and the United Nations also suggests a migrant population of about 1.86 million people.<sup>1</sup>

As a comparison, the UK Border Agency had a workforce of 23,000 in 2013 and a budget of £2.17 billion (R38.32 billion or US\$3.64 billion) in 2011/12 (UK Border Agency 2011). It was estimated that the number of illegal migrants in the UK in 2009 was between 417,000 and 863,000 (GLA Economics 2009). In other words, the UK spends approximately 60 times more than South Africa on enforcing migration law (excluding police costs) for a smaller number of undocumented migrants.

South Africa deported 75,000 individuals in the 2012/13 fiscal year, and the DHA has projected that this number will rise to 90,000 by 2014/15 (Department of Home Affairs 2013). Deportation numbers were significantly higher between 1995 and 2009, peaking at 312,733 in 2007 (Vigneswaran *et al.* 2010). In many instances, the same people are deported several times. It is also worth noting that those coming from neighbouring Zimbabwe may be deported directly from the border area without being recorded. The rising number of people sent home shows almost no correlation with the total number of migrants in the country, which suggests that deportation is not an effective strategy for controlling immigration. Therefore, even if the amount of money spent on deportations is relatively small by global standards, it is still not money well spent. This strategy, together with broader bureaucratic delays and ineptitudes and exclusionary legal frameworks, does appear to discourage moderately and highly skilled migrants.

South Africa is a signatory to United Nations and African Union conventions offering protection to asylum seekers, and the law states that asylum seekers must be given leave to stay in the country until their status is determined. The result, according to the government, is that economic migrants have concluded that applying for asylum is their best route into South Africa, with the consequence that 95 per cent of refugee applications are not genuine.<sup>2</sup>

The migration policy has, therefore, given rise to a costly yet ineffective asylum system that does not achieve its intended goals and attracts individuals better suited to other forms of regularisation. Migrants who apply for asylum are entitled to work and study until their claim is finalised – a process that, with appeals, may take several years. This has provided an

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<sup>1</sup> See more at: <http://africacheck.org/reports/how-many-zimbabweans-live-in-south-africa-the-numbers-are-unreliable/#sthash.1CVc9OKT.dpuf>

<sup>2</sup> Interview with Deputy Minister of Home Affairs Fatima Chohan, Cape Town, 6 March 2014.

incentive for economic migrants to enter the asylum system because of the lack of alternative paths to regularise their status. Serious deficiencies in the status-determination process (Amit 2012) make it impossible to establish how many entrants in the asylum system are genuinely economic migrants. Yet the government has relied on the flawed results of the status-determination process to assert that 95 per cent of refugee applications come from economic migrants.<sup>3</sup>

Perhaps because of this approach, the state often treats asylum applicants poorly and there have been numerous documented cases of corruption, wrongful arrest, detention and deportation (Sutton and Vigneswaran 2011). Where these abuses have resulted in legal challenges, this has added to the state's legal bill for migration. More importantly, these abuses further alienate migrant communities from the police and state institutions, which has negative repercussions for migrants, the communities where they reside and the state.

In short, the difficulty experienced by lower-skilled, primarily African, migrants in obtaining legal permission to stay in the country has directed, or even forced, them into the asylum system. This, in turn, has resulted in a volume of asylum applications that is too high for the DHA to process. Because of the high numbers, the DHA often violates its own legal guidelines by detaining and deporting both would-be and existing asylum seekers (Amit and Zelada-Aprili 2012; Solidarity Peace Trust in association with PASSOP 2012). This has resulted in additional legal costs for the DHA, incurred when defending itself against charges of illegal detention. This, combined with the problematic treatment of asylum claims, has generated large numbers of undocumented migrants. These numbers are then used by the state as justification for detention and deportation. This situation makes it all the more difficult to accurately assess the costs and benefits of immigration to South Africa.

## Literature Review

The Organisation for Economic Co-operation and Development (OECD) produces an annual publication called *International Migration Outlook*. The 2013 edition featured a study of the fiscal impact of immigration in OECD countries, which discussed different methods of evaluating what migrants contribute to and what they draw from the fiscus (OECD 2013). Some of these methods could be used in South Africa to evaluate the broader impacts of migration on the economy. However, because the study does not consider the additional costs incurred by states in policing their migration policies, it provides little guidance for the task outlined in this paper. Moreover, the European fiscal studies are based on the assumption that the data roughly captures the number of migrants in each country. The same cannot be said of South Africa.

There is, however, a growing body of South African-specific research on migration and asylum, which has successfully delineated the links between apartheid- and post-apartheid-

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<sup>3</sup> As asserted, for example, during an interview with Fatima Chohan, deputy minister of Home Affairs, Cape Town, 6 March 2014.

era state practices, and the implications of the policing of migration for state–society relations.<sup>4</sup>

There has been relatively little focus, however, on the specific issue of the cost to the state of policing migration, with the notable exception of the journal article ‘One burden too many?’ (Vigneswaran and Duponchel 2009), which estimates the amount of time and money the Gauteng SAPS spends enforcing migration law. The article presents an analysis of responses, given by policemen from various Gauteng police stations, to questions about how much time they spent on immigration matters.

Amit and Zelada-Aprili (2012) considered the cost to the DHA – and, therefore, the taxpayer – of litigation whereby individuals challenged their illegal detentions. Their study reviewed 90 cases brought before court over a 23-month period between 2009 and 2010. These cases cost the DHA R4.7 million for litigation and detention (for individuals who should never have been detained in the first place). These cases involved DHA practices that violated immigration and refugee laws. In addition to analysing the costs, the report also emphasised that the DHA’s disregard for the rule of law undermined South Africa’s democracy.

## The Effect of South Africa’s Migration and Asylum Legislative Framework on Enforcement

The two key pieces of post-1994 legislation relevant to this discussion are the Refugees Act (Act 130 of 1998) and the Immigration Act (Act 13 of 2002). There have also been two Refugees Amendment Acts: Act 33 of 2008 and Act 12 of 2011. The Immigration Amendment Act (Act 13 of 2011) took effect in May 2014. These amendments increased the barriers to migration for all categories of migrants.

Included in the objectives and functions of the South African state’s immigration control, as defined by the Immigration Act (Act 13 of 2002), are the following:

- To concentrate resources and efforts in enforcing the Act at the community level and to discourage illegal foreigners.
- To detect and deport illegal foreigners.
- To implement measures to ensure that migration takes place only at legal ports of entry and that illegal border crossings are ‘deterred, detected and punished’.

The Immigration Act provides for the inspection of workplaces and learning institutions to ensure that illegal migrants are not employed or enrolled, and that legal migrants are employed or enrolled according to the terms of their temporary residence permits.<sup>5</sup>

The Act mandates the training of an investigative unit to ‘detect illegal foreigners, monitor

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<sup>4</sup> See, for example, Sutton and Vigneswaran (2011) *A Kafkaesque State*, which analyses the nature of power struggles between South African officialdom and ‘deportable populations’. Also interesting is Vigneswaran *et al.* (2010) ‘Criminality or Monopoly?’, in which the authors argue that informal and illegal immigration practices, paradoxically, reassert state sovereignty and authority.

<sup>5</sup> Immigration Act 2002, section 3.

compliance with the terms and conditions of permits, control borders and perform any other function under this Act or which may be delegated to it'.<sup>6</sup> Moreover, it allows the DHA to subcontract immigration-control activities, including deportation<sup>7</sup> and control at ports of entry.

Section 1(h) of the Act states that the duty of immigration-control officials is to ensure that people enter only by recognised borders and to deter, detect and punish illegal border crossing. The control mechanisms employed in South Africa to meet these objectives are:

- Control of the entry and exit of people at recognised borders.
- Border patrolling to prevent and deter illegal border crossing.
- Detection of people who have entered illegally.
- A formalised process to determine whether or not people have entered the country illegally.
- Deportation of people who have entered illegally.

Responsibility for border patrolling and the detection of illegal entrants to South Africa is shared between the DHA, SAPS and SANDF, with the DHA as the lead agency. The other control mechanisms cited above are, so far, the responsibility of the DHA alone.

Within the DHA, the Immigration Affairs programme is responsible for implementing the department's migration control. The Immigration Affairs programme is divided into four services:

- Administration
- Admission services
- Immigration services
- Asylum-seeker and refugee management

The DHA's control of the entry and exit of people at recognised borders is managed by admission services. The remainder of the DHA's migration-control mechanisms are implemented by officials from asylum-seeker and refugee management, and immigration services.

Within immigration services, the immigration inspectorate, which was established by the Immigration Act of 2002, has wide-ranging powers, including the authority to enter and search premises, to seize suspected evidence on provision of a warrant, and to arrest and detain suspected illegal foreigners. Both the police and immigration officials have the authority to detain an individual on suspicion of being an illegal foreigner. An immigration official must then verify the individual's immigration status within 48 hours. The Immigration Act provides for longer detentions solely for the purpose of deportation. In other words, only individuals who are proved to be illegal foreigners may be held for more

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<sup>6</sup> Ibid.

<sup>7</sup> According to the Immigration Act 2002, illegal foreigners who are unwilling to leave the country voluntarily may be deported.

than 48 hours. These individuals are usually sent to Lindela, the holding facility for illegal foreigners.

In practice, however, individuals are often held for more than 48 hours and are sent to Lindela before their immigration status has been verified, resulting in the detentions of individuals with legal status. Once at Lindela, the detaining officials often do not conduct the required verifications (Amit and Zelada-Aprili 2012). The Immigration Act requires that detentions in excess of 30 days be authorised by a court warrant, and places an absolute ceiling of 120 days on immigration detentions. Both of these requirements are routinely violated, resulting in legal challenges against the DHA.<sup>8</sup>

The above requirements govern the detention of 'illegal foreigners'. The detention of asylum seekers and refugees falls under the jurisdiction of the Refugees Act of 1998, which provides for the detention of such migrants only under a very narrow set of circumstances. Although not the intention, the Refugees Act has, in practice, become a critical component of immigration control.

The Refugees Act defines the process by which someone can apply for asylum in South Africa. Individuals indicating their intention to apply for asylum at a port of entry will receive a transit permit, which gives them five days to approach a refugee-reception office and apply for asylum. If the transit visa expires before the applicant obtains an asylum permit at such an office, the individual becomes an illegal foreigner, subject to detention and deportation.<sup>9</sup> Asylum seekers must apply in person at a refugee-reception office. The office will issue an asylum-seeker permit and a refugee-status-determination officer will conduct an interview to determine the validity of the asylum claim. The officer will either approve the claim and grant refugee status, reject the application as 'manifestly unfounded, abusive or fraudulent', or reject the application as 'unfounded'. The officer must provide reasons for a rejected claim.<sup>10</sup>

The Act requires that all manifestly unfounded decisions are automatically sent to the Standing Committee for Refugee Affairs for review. Individuals may make written submissions to the committee, but do not have the right of appearance.<sup>11</sup> Individuals may appeal unfounded decisions to the Refugee Appeals Board, which may confirm, set aside, or substitute these decisions with its own.<sup>12</sup>

The Refugees Act allows for the detention of asylum seekers only if the minister has withdrawn their asylum-seeker permits, but they retain the right to have their applications finalised. Such detentions must only be for a 'reasonable and justifiable' period, and must be reviewed by a judge of the high court after 30 days. In practice, most asylum seekers are detained under the Immigration Act.<sup>13</sup>

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<sup>8</sup> Immigration Act 2002, section 3.

<sup>9</sup> Republic of South Africa, Immigration Amendment Act (Act 13 of 2011), section 15.

<sup>10</sup> Republic of South Africa, Refugees Act (Act 130 of 1998), sections 21–24.

<sup>11</sup> Refugees Act of 1998, sections 25–26.

<sup>12</sup> Ibid.

<sup>13</sup> Refugees Act of 1998, section 29.

## The Direct Costs of Enforcing Migration and Asylum Law

The 2013/14 (fiscal year) budget for the DHA's Immigration Affairs programme, which groups together immigration and asylum services, was a modest R647 million (US\$61.69 million),<sup>14</sup> approximately 9.8 per cent of the DHA's overall budget (National Treasury 2014). Almost one third of this amount (R199.8 million) was spent on deportations in 2012/13 and another R90 million on running the Lindela Holding Facility, the country's primary deportation facility. During 2013, out of a total staff of 10,716, 963 people worked for Immigration Affairs, including 722 in admission services, 155 in immigration services and only 46 in the asylum-seekers' (National Treasury 2014).<sup>15</sup>

Within Immigration Affairs, in 2012/13, the asylum-seekers section consumed 11.2 per cent of the total expenditure, immigration services 50 per cent and admission services 33.2 per cent. The balance was spent on management and administration. Assuming there were the same proportions of expenditure in 2013/14, and also assuming that actual expenditure in the fiscal year was equal to budgeted expenditure, DHA expenditure during 2013/14 would have been R72.5 million on asylum seekers, R323.5 million on immigration services and R214.8 million on admission services. Because it is primarily immigration services and asylum services that enforce DHA migration policy, the best available figure on DHA expenditure on the policing of migration can be derived by adding its expenditure to these two units – a total of R396 million.

The DHA's legal costs arising from its enforcement of migration law should be added to this figure. According to the DHA, of the R1.34 billion in pending legal claims against it (as of March 2013), claims against Immigration Affairs amounted to R503.3 million, which is 37.5 per cent of the total. The majority of the claims arose from 'unlawful arrests and detention of illegal foreigners as well as damages arising from the department's failure to timeously make decisions on permits' (Department of Home Affairs 2013).

According to the costing study by Amit and Zelada-Aprili (2012), illegal detentions and related litigation cost the DHA at least R4.7 million over a 23-month period between 2009 and 2010: R2.5 million on legal costs and R2.6 million on the costs of detention. However, because the latter figure only refers to illegal detentions that were challenged in court, the full cost of detentions is likely to have been much higher.

### ***Detention and Deportation: Facts and Figures***

In evaluating the costs of detention and deportation to the South African fiscus, it is worth keeping a number of facts and figures in mind. At the most basic level, they can help develop an estimation of the escalation of expenses that would come from enhancing current immigration control strategies. Moreover, they illustrate the degree to which

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<sup>14</sup> Calculated on the basis of an exchange rate of \$0.09504 to the South African rand (www.oanda.com currency converter), 7 May 2014.

<sup>15</sup> Department of Home Affairs, *Annual Report 2012/13*, 62, 64 and 61. It is not clear if members of the Refugee Appeals Board or Standing Committee for Refugee Affairs are included in these figures.

detention and deportation is effectively a 'lost cost' as it does little to influence the total number of undocumented migrants in the country.

- The average time spent by detainees in Lindela in 2013/14 was reported by the DHA to be 30 days, at an average cost per detainee of R99.41 per day.<sup>16</sup>
- The DHA's total budget for transfers and subsidies, which includes the department's payments to Bosasa Security to run Lindela, was R1.8 billion during 2013/14.<sup>17</sup>
- The DHA has reported that it spent R60.5 million on Lindela in 2010/11, R90.7 million in 2011/12 and R90.7 million in 2012/13.<sup>18</sup>
- The official figure for the number of people deported from the country rose from 72,394 in 2009/10 to a projected 80,000 during 2013/14.<sup>19</sup>
- The average cost of deportation is R725 per person, if done by road, and R29,000 if, done by chartered flight.<sup>20</sup>
- Total DHA expenditure on deportation was R173.3 million in 2010/11, R168 million in 2011/12 and R199.9 million in 2012/13.<sup>21</sup>

### ***Breaking down the Costs***

Closer analysis of these figures on migration enforcement reveals that the DHA's budget for the immigration inspectorate for 2013/14 was R220 million, which is 68 per cent of the estimate for total immigration-services expenditure in the year based on data collected for this report.<sup>22</sup>

Immigration services as a whole employed 963 people in 2013: 722 worked in admission services; 155 worked for immigration services; and 46 worked in the asylum-seekers section. The figure does not include the members of the Standing Committee for Refugee Affairs and the Refugee Appeals Board.

The DHA budgeted R286 million for employees' salaries in Immigration Affairs in 2012/13, a figure that implies that the average annual salary per employee is R296,988. The average annual growth rate in salary expenditure for Immigration Affairs between 2009 and 2013 was 22.1 per cent. In 2012/13, salaries accounted for 42.5 per cent of the Immigration Affairs budget. This is projected to rise to 47.6 per cent by 2015/16.

The DHA's immigration services spent R13 million on special joint operations with the SAPS in 2013. In addition, provincial DHA departments are authorised to conduct special joint

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<sup>16</sup> Interview with Fatima Chohan.

<sup>17</sup> 2013 estimates of national expenditure, vote 4, 2.

<sup>18</sup> Written correspondence from the Minister of Home Affairs to M Mnqasela of the Democratic Alliance, 21 February 2014.

<sup>19</sup> 2013 estimates of national expenditure, 52.

<sup>20</sup> Interview with Fatima Chohan.

<sup>21</sup> Written reply by the Minister of Home Affairs to the question asked by S P Kopane of the Democratic Alliance, 21 February 2014.

<sup>22</sup> Interview with Fatima Chohan.

operations out of their own budgets. The national guideline for expenditure per operation is R50 000.<sup>23</sup>

There is no specific allocation within the DHA national budget for refugee-reception offices, because the cost of the offices is carried by provincial Home Affairs departments, from the allocations they receive from the national ministry.<sup>24</sup> The KwaZulu-Natal DHA budgeted R8.3 million for the Durban refugee-reception office in 2012/13 and spent R7.9 million. The Limpopo DHA budgeted R7.4 million for the Musina refugee-reception office in the same year, but spent only R4.6 million.<sup>25</sup>

The DHA reported that it received 85,058 applications for asylum during 2012/13, an increase from the 78,142 applications in 2011/12. Of these, 3,908 were approved, 36,657 were rejected as manifestly unfounded, abusive or fraudulent, 24,520 were rejected as unfounded and 2,029 applications were finally accepted. In addition, 7,998 refugee identity documents and 2,001 refugee travel documents were issued. It can be deduced from these figures that 19,973 applications were neither approved nor rejected during the year, meaning that they were added to the already large pending-case file (Department of Home Affairs 2013).

The budget for the Refugee Appeals Board was R11.2 million in 2010/11, R13.8 million in 2011/12 and R7.6 million in 2012/13. The board also has a large pending file, totalling 10,553 cases as of 1 March 2013. It is also worth noting that 6,902 appeals were lodged during 2012/13, but only 911 cases were heard. Moreover, 790 appeals were finalised with decisions issued and 720 cases were confirmed as unfounded whilst 1,998 cases were referred back to refugee-reception offices (Department of Home Affairs 2013).

The Standing Committee for Refugee Affairs considered 35,497 cases – an enormous number – during 2012/13, of which it confirmed 33,790. The committee referred 1,472 cases back to refugee-reception offices and set aside 235 (Department of Home Affairs 2013). The poor quality of initial refugee-status-determination decisions calls into question the review process of the Standing Committee for Refugee Affairs, which is based almost entirely on these decisions.

### ***The South African Police Service (SAPS)***

The SAPS is the agency responsible for arresting undocumented migrants in South Africa. Although the police are authorised to detain migrants only for up to 48 hours while their status is being confirmed, in practice, migrants (including refugees and asylum seekers) are often detained for longer (Amit 2010; South African Human Rights Commission 1999). Despite the fact that the SAPS is responsible for immigration enforcement by means of arrests, it has no immigration-control budget. As such, much of the work done by police on immigration matters falls under what the police label as ‘visible policing’ (other categories include administration, detective service, crime intelligence and protection, and security

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<sup>23</sup> Interview with Fatima Chohan

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

services). The visible-policing programme has three relevant sub-programmes: crime prevention, border security and specialised interventions.

**Table 1:  
Official SAPS Resource Allocation to Visible Policing**

Total	R29.5 billion (44 per cent of SAPS total expenditure)
Compensation to employees	R25,2 billion (88 per cent of above total)
Officers deployed in visible policing	106,527
Officers deployed to border security	6,333
Total officers in SAPS	197,946

Treasury figures indicate that expenditure on visible policing is forecast to rise to R31.54 billion in 2013/14 and to R35.42 billion by 2015/16.<sup>26</sup>

In 2012/13, under the rubric of visible policing, 6,333 SAPS personnel were deployed to border security and SAPS expenditure on border security was officially set at R1.5 billion, up from R1.4 billion the year before. This is one area of the overall budget that can be definitively determined to be a migration-related expense.

In its 2012/13 annual report, the SAPS reported that in 2011/12 20,463 arrests were made under the Immigration Act at ports of entry and borders, and that in 2012/13 16,729 such arrests were made.<sup>27</sup>

In Gauteng, independent research found that the SAPS in the province was responsible for 54 per cent of the total number of Immigration Act-related arrests in the country during 2007/08 (Vigneswaran and Dupochel 2009). This study was based on the responses to a questionnaire of SAPS officers from a small selection of Gauteng police stations. The research estimated that 3.1 hours of the average 12-hour shift of a Gauteng SAPS officer was spent on immigration policing. From this, the researchers, factoring in SAPS salary levels and the likely transport and detention costs, estimated that the SAPS's immigration-policing cost in Gauteng for 2007/08 was R362.6 million.

To make a robust national estimate, it would be helpful to establish the provincial breakdown of the SAPS's immigration arrests, and then conduct surveys in each province to establish variations in the correlation between hours spent by SAPS officers on immigration policing and immigration arrests. To date, this work has been done only in Gauteng. For argument's sake, if one assumes that there is a constant correlation nationwide between the number of hours spent on immigration policing and the number of immigration arrests, this would imply that 54 per cent of the SAPS's national expenditure on immigration policing in 2007/08 was spent in Gauteng. If so, and assuming the research's estimates are sound, total SAPS expenditure on immigration policing (nationwide) during 2007/08 would have

<sup>26</sup> 2013 estimates of national expenditure, vote 4, 577.

<sup>27</sup> 2013 Estimates of National Expenditure, 99.

been R671.48 million. However, this undoubtedly overestimates the costs because, out of the country's nine provinces, Gauteng hosts the highest number of international migrants. Although resources dedicated to policing immigration are not necessarily correlated with a migrant presence, there are reasons to believe that immigration matters occupy less of the SAPS's time elsewhere in the country.

Total SAPS expenditure on visible policing in 2007/08 was R15.33 billion (SAPS 2008). Using the estimate of R671.48 million spent on immigration policing nationwide, this would imply that immigration policing constituted 4.3 per cent of the total expenditure on visible policing. Assuming this percentage has remained constant, this would imply that the total immigration-policing expenditure, excluding border control, during 2012/13 was R1.27 billion, and the total, including border security, was R2.77 billion. Again, it is worth noting that these numbers most likely overstate the actual resources dedicated to immigration control. Even then, as previously argued, the calculations could be disputed on the grounds that immigration arrests often arise from visible-policing exercises, such as roadblocks, which are not specifically intended to detect immigration offences. For this reason, it is problematic to use the method of ascribing time and, therefore, money values to the immigration-policing component. This highlights the need for more data before one can produce a reliable estimate of the costs to the police of enforcing immigration control.

***The Department of Defence and the South African National Defence Force (SANDF)***

In the 2012/13 South African national budget, the total allocated to the Department of Defence (under which the SANDF falls) for border control was R37.49 billion, which was forecast to rise to R39.94 billion in 2013/14. Within this, the department earmarked R400 million in 2012/13 and R550 million in 2013/14 for border safeguarding. This was expected to rise to R617.2 million in 2014/15. The Department of Defence requested an additional R4.6 billion for border safeguarding in 2012/13 but received only an extra R200 million (Department of Defence and Military Veterans 2013). Not all of this amount would have been spent on policing migration, although in practice it appears that this constitutes a large part of what the SANDF actually does on the country's borders.

**Table 2:  
Costs to the SANDF of Border Control versus Total Budgetary Allocation**

	<b>2012/13</b>	<b>Estimated 2013/14</b>
Total allocation	R37.49 billion	R39.94 billion
Border safeguarding	R400 million	R550 million

The SANDF deployed 11 landward sub-units to safeguard borders during 2012/13; only four were deployed the previous year. Eight of these were reserve sub-units. The Department of Defence reported that sub-units usually comprise 140 members, but in the case of border safeguarding, each sub-unit had 172 members. This enabled the Department of Defence to exceed its target of 620,000 person-days spent on border safeguarding for 2012/13 (Department of Defence and Military Veterans 2013). In addition, 120 military police were deployed as part of border-safeguarding operations. The Department of Defence also

reported that the number of ‘animal health activities’, as they were termed, dramatically exceeded its annual target of 3,260 to reach 10,086, because the ‘canine capability increased to meet the operational requirements of the SANDF, that is, the utilisation of dogs in border-safeguarding operations’(Department of Defence and Military Veterans 2013: 88). Furthermore, the Department of Defence spent R46 million during the year on vehicles and motorbikes for border safeguarding (included in the total figures provided above) (Department of Defence and Military Veterans 2013: 96). It appears from the figures that 2,012 SANDF members and reservists, including military police, were deployed to control borders during 2012/13.

The Department of Defence spent R19.35 billion on employee compensation during 2012/13 – 50.1 per cent of its total expenditure. The Department of Defence does not, however, publicise the number of its employees, a figure that is needed to calculate the average expenditure per employee and, therefore, expenditure on the Department of Defence’s employees deployed to control borders.

**Table 3:  
Summary of State Costs of Enforcing Migration Policy**

<b>Department</b>	<b>Item</b>	<b>Cost</b>
Department of Home Affairs	Immigration Affairs budget (2013/14) of which:	R647 million
	• Asylum Seekers	R72.5 million
	• Immigration Services	R323.5 million
	Pending legal claims against Immigration Affairs (March 2013)	R503.3 million
	Spending on Lindela (2012/13)	R90.7 million
	Spending on deportation (2012/13)	R199.9 million
	National spending on special operations with the SAPS (2013)	R13 million
	Refugee Appeals Board budget (2012/13)	R7.6 million
South African Police Service	Visible Policing (2012/13) of which:	R29,500 million
	• Border security	R1,500 million
	Immigration policing (Gauteng, estimate for 2007/08)	R362.6 million
Department of Defence	Border safeguarding (2013/14, official estimate)	R550 million

### The Broader Costs of Policing Migration: Suggestions for Further Research

It is possible to identify two indirect costs to the South African economy arising from the state’s policing of migration: opportunity costs and social costs.

## **Opportunity Costs**

The state's policing of migration in South Africa results in certain opportunity costs to the economy, which include:

- South African goods and services that the state's expenditure on migration control could have produced and/or consumed and the possible employment this could have generated, had the funds not been spent on policing migration.
- South African goods and services that could have been produced and/or consumed and the possible employment that could have been generated by migrants and asylum seekers whose stay in South Africa was terminated by deportation.
- The increased production and consumption of South African goods and services and the possible increased employment that could have been generated by illegal migrants and asylum seekers residing in the country, were they to have legal status.

In terms of the first point, it is, of course, not certain that the money that could be saved by the state would be effectively redirected to other DHA's, or any other department's spending priorities. It is, however, straightforward to identify a selection of other goods and services that could have been produced and/or consumed by the state to the nation's benefit, had the state not spent a given sum of money on policing migration.

In the case of the second point, the opportunity cost might turn out to be zero, if all those deported – and more – are replaced by new illegal migrants, who also contribute to the domestic economy through their production and consumption of South African goods and services.

The third point is, in some ways, the most interesting opportunity cost. To explore and evaluate this further, research methodology should include qualitative interviews with illegal migrants. They should be asked about their assessment of the impact of policing migration on their consumption and production of goods and services, and their employment of South Africans, with a view to estimating the average consumption, production and employment forgone each year for each illegal migrant.

## **Social Costs**

Although nobody knows for certain, and the DHA always declines to estimate, the SAPS has previously estimated that there are 3 to 6 million undocumented foreigners in South Africa.<sup>28</sup> These numbers have little basis in reality and are, in effect, an excuse for dedicating police resources to (profitable) forms of immigration control, or to create a bogeyman on which to pin high crime rates.

Although strengthening the policing of migration may reduce the size of the community of illegal migrants, it will also further alienate and criminalise it, which will generate new risks and social costs. Police-enforcement activities will result in migrants becoming more wary of the police and less likely to report crime.

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<sup>28</sup> Home Affairs is in the dark about number of illegal immigrants.

There is a vast body of literature about the effect of the cultures of alienation and criminalisation in migrant communities on European and American societies as a whole, and on the communities themselves. Drawing on this literature and on new domestic quantitative and qualitative data, new research can inform the debate on where the state's policing of migration may be taking South Africa and stimulate discussion about alternatives. It is also worth noting that criminalising people's presence may drive them underground, which makes it harder for them to secure health and education services. This can result in dramatic social costs in terms of public health, social cohesion and security.

## Conclusions

This study exposes a basic flaw in the South African state's enforcement of its migration policy. The flaw is the asymmetrical relationship between the strictness of the country's immigration rules and the relative liberalism of its asylum policy (if not its application), which occurs in a context where there is significant demand, particularly from within the region, to live and work in South Africa. The combination of this asymmetry and high migration demand has led to a situation where the asylum-management structures and capacity to effectively police migration have been largely overwhelmed.

The South African state spends hundreds of millions of rand every year enforcing its migration policy, but although the micro-impacts on individual migrants and refugees are often severe, the macro-impact of the state interventions, paid for by this money, appears to be weak. Despite constant deportations, the number of undocumented foreigners living in the country continues, it seems, to run into the millions. Senior people in the DHA say that they recognise this, and have called for a substantial increase in state expenditure on the enforcement of migration policy. Yet, such demands look optimistic, particularly when the government undertakes to trim state expenditure in its National Development Plan. Also, even if the additional expenditure is realised, it could prove ineffective, because money alone will not resolve the flaw in migration policy.

To resolve the flaw, policy makers would need to do one of two things: tighten asylum policy by renouncing or amending South Africa's current international commitments to receive and welcome refugees; or liberalise its migration policy to such an extent that the default strategy for most African would-be migrants becomes an immigration rather than an asylum application. Until there is a decisive shift in either direction, it seems likely that South Africans will continue to receive poor value for money from the millions spent by the state enforcing its migration policy.

## References

- Amit, R. (2010) *Lost in the Vortex: Irregularities in the Detention and Deportation of non-Nationals in South Africa*. Johannesburg: The Forced Migration Studies Programme, University of the Witwatersrand.
- Amit, R. (2012) *All Roads Lead to Rejection: Persistent Bias and Incapacity in South African Refugee Status Determination*. Johannesburg: African Centre for Migration and Society University of the Witwatersrand.

- Amit, R and Zelada-Aprili, R. (2012) *Breaking the Law, Breaking the Bank*. Johannesburg: African Centre for Migration & Society.
- Department of Defence and Military Veterans, Republic of South Africa (2013) *Annual report 2012/13*. Pretoria: Department of Defence and Military Veterans.
- Department of Home Affairs, Republic of South Africa (2012) *Annual Report 2011/12*. Pretoria: Department of Home Affairs.
- Department of Home Affairs, Republic of South Africa. (2013) *Annual Report 2012/13*. Pretoria: Department of Home Affairs.
- GLA Economics (2009) *Economic Impact on the London and UK Economy of an Earned Regularization of Irregular Migrants to the UK*. London: Greater London Authority.
- Mail & Guardian Staff Reporter (2009) 'Home affairs in the dark about number of illegal immigrants, *Mail & Guardian*, (13 November 2009), [online] available at: <http://mg.co.za/article/2009-11-13-home-affairs-in-the-dark-about-number-of-illegal-immigrants> (accessed 8 June 2014).
- National Treasury, Republic of South Africa (2014) *2013 Estimates of National Expenditure*, [online] available at: <http://www.treasury.gov.za/documents/national%20budget/2013/ene/FullENE.pdf> (accessed 8 June 2014).
- OECD (2013) *International Migration Outlook 2013*. Paris: OECD.
- Republic of South Africa (1998) *Refugees Act (Act 130 of 1998)*. Cape Town: Republic of South Africa.
- Republic of South Africa (2002) *Immigration Act (Act 13 of 2002)*. Cape Town: Republic of South Africa.
- Republic of South Africa (2011) *Immigration Amendment Act (Act 13 of 2011)*. Cape Town: Republic of South Africa.
- Solidarity Peace Trust in association with PASSOP (2012) *Perils and Pitfalls – Migrants and Deportation in South Africa*. Johannesburg: Solidarity Peace Trust.
- South African Human Rights Commission (1999) *Report into the Arrest and Detention of Suspected Undocumented Migrants*. Johannesburg: South African Human Rights Commission.
- South African Police Service (SAPS) (2008) *Annual report 2007/08*. Pretoria: SAPS.
- South African Police Service (SAPS) (2013) *Annual report 2012/13*. Pretoria: SAPS.
- Sutton, R. and Vigneswaran, D. (2011) *A Kafkaesque State: Deportation and Detention in South Africa*. Johannesburg: African Centre for Migration & Society, University of the Witwatersrand.
- UK Border Agency (2011) *UK Border Agency Business Plan*.
- Vigneswaran, D. and Duponchel, M. (2009) *One Burden Too Many? A Cost-Benefit Analysis of Immigration Policing in Gauteng*. Johannesburg: Forced Migration Studies Programme, University of the Witwatersrand.
- Vigneswaran, D., Araia, T., Hoag, C. and Tshabalala, X. (2010) 'Criminality or Monopoly? Informal Immigration Enforcement in South Africa,' *Journal of Southern African Studies*, 36(2): 465-481.

## About the Migrating out of Poverty Research Programme Consortium

**Migrating out of Poverty** is a research programme consortium (RPC) funded by the UK's Department for International Development (DFID). It focuses on the relationship between migration and poverty – especially migration within countries and regions - and is located in five regions across Asia and Africa. The main goal of **Migrating out of Poverty** is to provide robust evidence on the drivers and impacts of migration in order to contribute to improving policies affecting the lives and well-being of impoverished migrants, their communities and countries, through a programme of innovative research, capacity building and policy engagement. The RPC will also conduct analysis in order to understand the migration policy process in developing regions and will supplement the world renowned migration databases at the University of Sussex with data on internal migration.

The **Migrating out of Poverty** consortium is coordinated by the University of Sussex, and led by CEO Professor L. Alan Winters with Dr Priya Deshingkar as the Research Director. Core partners are: the Refugee and Migratory Movements Research Unit (RMMRU) in Bangladesh; the Centre for Migration Studies (CMS) at the University of Ghana; the Asia Research Institute (ARI) at the National University of Singapore; the African Centre for Migration & Society (ACMS) at the University of the Witwatersrand in South Africa; and the African Migration and Development Policy Centre (AMADPOC) in Kenya.

Migrating out of Poverty

University of Sussex

Falmer, Brighton BN1 9QN, United Kingdom

tel: +44 (0)1273 873535

email: [migrationrpc@sussex.ac.uk](mailto:migrationrpc@sussex.ac.uk)

web: <http://migratingoutofpoverty.dfid.gov.uk/>

Twitter: @migrationrpc

