



**ASSESSING THE PERCEIVED IMPACT OF THE INFLUX OF ILLEGAL FOREIGN NATIONALS  
ON SERVICE DELIVERY AND SELECTED SOCIO- ECONOMIC CONDITIONS IN SENQU  
LOCAL MUNICIPALITY IN THE EASTERN CAPE PROVINCE**

**by**

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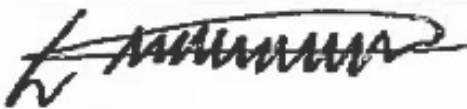
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## DECLARATION OF INDEPENDENT WORK

I, LUCKY MZUVUMILE MTSAMAYI, Identity Number \_\_\_\_\_ and student number \_\_\_\_\_, do hereby declare that this research project submitted to the Central University of Technology, Free State for the Degree MASTER OF PUBLIC MANAGEMENT, is my own independent work, and complies with the Code of Academic Integrity, as well as other relevant policies, procedures, rules and regulations of the Central University of Technology, Free State; and has not been submitted before to any institution by myself or any other person in fulfillment (or partial fulfilment) of the requirements for the attainment of any qualification.



**SIGNATURE OF STUDENT**

**30 August 2021**

**DATE**

Migration, and in particular migration of illegal foreign nationals (undocumented immigrants), which involves cross-border movement of neighbouring and non-adjointing countries in Africa and from other countries, is a widespread phenomenon within the Southern African context. There is a general perception in the context of South Africa (SA) that foreign migrants and illegal foreign nationals have a negative impact on cities and towns service delivery provision and other socio-economic matters. Since 1994, with the establishment of the new democratic dispensation in South Africa, foreign migrants were welcomed into the country, but it was important that all foreign migrants did so lawfully. Many migrants from politically unstable and war-torn countries in Africa migrate to South Africa seeking a better life and better living conditions and make it past South African borders, but as undocumented and illegal foreign nationals. Many of these illegal foreign nationals are forced to live on the fringes of South African cities and towns with limited protection and poor living conditions. Due to the presence of large numbers of foreign migrants, including illegal foreign nationals, two major incidents of xenophobic attacks took place in South Africa in 2008 and 2015. As a result of the two xenophobic attacks, the Department of Home Affairs (DHA) had to ensure that there was identification of all illegal foreign nationals, and in relevant circumstances, legal documentation or permits was provided to the undocumented migrants who qualified. The National Department of Home Affairs (DHA) Annual Report of 2017/2018 (2018:98) states that people from countries such as Angola, Zimbabwe and Lesotho are allowed to apply for work, business, study and retired permits as well as permits for relatives. These permits have a duration of four years.

The main purpose of the study was to assess the perceived impact of illegal foreign nationals on selected socio- and economic conditions in Senqu Local Municipality, Eastern Cape Province. The study was based on a qualitative research approach and a descriptive case study design. The literature of the study shows that the governance of foreign migrants and illegal foreign nationals must take place in accordance with the *Immigration Act* (Act 13 of 2002) and the *Immigration Amendment Act* (Act 19 of 2004). The *Border Management Authority Act, 2020* makes provision for the establishment of the Border Management Authority (BMA) with the aim to achieve an integrated border law enforcement at ports of entry, and to promote cooperation and coordination of border management.

It is inferred in the study that the effectiveness of applicable legislation such as the *Immigration Act, 2002*, the *Immigration Amendment Act, 2004* and the *Border Management Act, 2020* remains a challenge to reduce the continued influx of illegal foreign nationals into South Africa. It is further emphasised in the literature of the study that the law enforcement authorities such as the BMA and other role players responsible for regulating the influx of legal and illegal foreign nationals into South Africa are working in silos, which has a further negative effect on the influx of illegal foreign nationals into the Senqu Local Municipal area. Furthermore, it is accentuated in the literature of the study that the Department of Statistics South Africa (Stats SA) have no confirmed reliable data available of the number of illegal foreign nationals living in South Africa. The incomplete and inconsistent data available on the number of illegal foreign nationals has an impact on the financial resources transferred from national and provincial governments to local government, which in turn, has a negative effect on a rural local municipality's ability to provide effective basic service delivery or to address the socio-economic needs of local communities in an effective manner. The findings from the literature and the empirical study show that the presence of a large number of illegal foreign nationals has had a negative effect on selected socio-economic conditions such as access to health care services, housing, basic education and the provision of basic service delivery including the provision of water, electricity and sanitation services in the Senqu Local Municipal area.

The findings from the study revealed that the continued influx of a large number of illegal foreign nationals in the Senqu Local Municipal area has compounded serious challenges in the provision of selected socio-economic conditions, namely health services, education opportunities, employment and job creation opportunities to local communities through local economic development (LED) and the provision of basic service delivery, such as electricity, water, sanitation and housing.

Based on the literature and empirical research undertaken, recommendations are provided to improve the way that the Senqu Local Municipality and other mandated role players manage and regulate the influx of illegal foreign nationals into the area to ensure the promotion of the selected socio-and economic conditions of communities in the area. It is recommended that municipalities, including Senqu Local Municipality, have up-to-date by-laws aligned with the *Constitution, 1996* and relevant legislation to address the challenges posed by the continued influx of illegal foreign nationals. The applicable legislation such as the *Immigration Management Act, 2002* amendments and the *Border Management Authority Act, 2020* must be effectively implemented and the relevant mandated role players must protect the borders. In addition, the BMA must manage all ports of entry in a sufficient



manner to prevent illegal crossings of foreigners into Senqu Local Municipal Area. Furthermore, Senqu Local Municipality and relevant provincial departments must do more to address the negative effect of illegal foreign nationals on the socio-economic conditions including the provision of health care services, basic education, housing and basic service delivery such as the provision of water, electricity and sanitation in the area.

This study is dedicated to my late success driven father, Mnelisi Nelson Motsamai (Ta Mne) - “You will forever be remembered”, my ever-sacrificing mother, Nomzuvumile Thembekile Florence Motsamai, my wife with “eye catching beauty” Nokuphiwa Patricia Jikajika-Mtsamayi, my brother Lungelo Leonard Motsamai, my child Andisiwe Mtsamayi and my loving late uncle Khalipha Oswald Nxele – “You will also forever be remembered”.

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## LIST OF ABBREVIATIONS

African Union	-	AU
Accelerated Shared Growth Initiative for South Africa	-	ASGISA
Border Management Authority	-	BMA
Broad-based Black Economic Empowerment	-	BBBEE
Community Works Programme	-	CWP
Department of Economic Development and Environmental Affairs	-	DEDEA
Department of Home Affairs	-	DHA
Department of Justice and Constitutional Development	-	Doj and CD
Department of Social Development	-	DSD
Department of Trade and Industry	-	DTI
Eastern Cape Climate Change Response Strategy	-	ECCCRS
Eastern Cape Development Corporation	-	ECDC
Eastern Cape Provincial Department of Agriculture	-	ECDA
Eastern Cape Provincial Department of Local Government and Traditional Affairs	-	EC DLGTAs
Expanded Public Works Programmes	-	EPWP
Growth and Employment and Redistribution Programme	-	GEAR
Gross Value Added	-	GVA
Information and Communication Technology	-	ICT
Integrated Development Plan	-	IDP
Joe Gqabi District Municipality	-	JGDM
Local Economic Development	-	LED
Municipal Systems Act	-	MSA
National Council of Provinces	-	NCoP
National Development Plan	-	NDP
National Strategy for Sustainable Development	-	NSSD
New Growth Path	-	NGP
Organisation of African Union	-	AOU
Reconstruction and Development Programme	-	RDP

Regional Industrial Development Strategy



Republic of South Africa

Small Enterprise Development Agency

Small, Medium and Micro Enterprise Sector

South Africa

South African Defence Force

South African Police Service

South African Revenue Services

Southern African Development Community

The Integrated Sustainable Rural Development Strategy

White Paper on Local Government

- RIDS
- RSA
- SEDA
- SMME's
- SA
- SANDF
- SAPS
- SARS
- SADC
- ISRDS
- WPLG

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## CHAPTER ONE: GENERAL ORIENTATION TO STUDY

### 1.1 INTRODUCTION AND BACKGROUND

The number of undocumented migrants (illegal foreign nationals) living in South Africa has been questioned for many years. According to Heleta (2018:2), the South African Census of 2011 reported that there were 2.2 million illegal foreign nationals living in South Africa, and there is a possibility that some illegal foreign nationals were not counted in the 2011 Census. Statistic's South Africa (Stats SA) used a weighing factor that adjusts for a possible undercount, and therefore the 2.2 million illegal foreign nationals should include both documented and undocumented migrants (illegal foreign nationals). The United Nations Population Division provided on their 2017 Migration Data Portal an estimated number of four million illegal foreign nationals (total of 5.8% of the total population) which includes both documented and illegal foreign nationals in the Republic of South Africa (RSA) (Heleta, 2018:2). In comparison with the above, the Stats SA Community Survey Report, 2016 states that there are only 1.6 million foreign born foreigners in South Africa which represents only 2.8% of the South African population of 55,653 654 people (Chiumia, 2017:3). Another discrepancy is provided by Heleta (2018:4) who argues that between 2011 to 2016, the estimated number of immigrants, which include illegal foreign nationals in South Africa, was around 2.8 million. The latter number included the 400,000 foreigners deported by the Department of Home Affairs (DHA) during the same period. One could thus argue, that there is no clear indication of the exact number of illegal foreign nationals living in South Africa. In terms of Section 1 (xviii) of the Immigration Act (Act 13 of 2002), an illegal foreigner is in the RSA in contravention of the act and includes a prohibited person. In addition to the above, the DHA Annual Report of 2014/2015 (2015:82) states that the inspectorate investigated the permanent residence applications arising from fraudulent marriages for obtaining permanent residence status in the country. Furthermore, the DHA Annual Report of 2017/2018 (2018:12) provides that between 2008 and 2015, South Africa ranked among the highest asylum seeker destinations in the world, which could be seen as a basis for illegal foreign nationals or persons whose intent was to remain in the country without any legal documentation.

Another challenge is the continued influx of illegal foreign nationals into RSA through Lesotho which has a direct bearing on municipalities of the Eastern Cape, Free State and KwaZulu Natal, and for the purpose of this study on Senqu Local Municipality of the Eastern Cape Province. Akokpari (2005:92) maintains that some of these illegal foreign nationals come to Lesotho as a transit country to enter African countries. The reason for this, is that Lesotho in recent years relaxed immigration policies which has made it easier to move across the border into the RSA. Bernstein (2011:16) mentions that the relationship between South Africa and Lesotho is unique as Lesotho is completely landlocked and surrounded by South Africa, and therefore the RSA's presence is strongly felt by Lesotho foreign nationals. Bernstein (2011:17) continues to argue that the Lesotho foreign nationals hoped that passports would no longer be required to cross into the RSA after 1994. Unfortunately, that change never occurred. Lesotho citizens, though still allowed to stay in RSA for 30 days, have had a change in that prior existing permits that allowed them to stay for a period of six months have been suspended and temporary travelling documents banned. This has caused a problem for Lesotho, as they are reliant on South Africa for things such as shopping and other activities (Bernstein, 2011:17). To address the problem of a continual influx of illegal foreign nationals into RSA, the DHA has taken the prerogative of executing projects with special dispensations for some of the neighbouring countries. The National Department of Home Affairs (DHA) Annual Report of 2017/2018 (2018:98) states that people from countries like Angola, Zimbabwe and Lesotho were allowed to apply for work, business, study, for relatives, or retired permits with a duration of four years.

Chapter Two of the *Constitution of the Republic of South Africa, 1996* (hereafter referred to as the Constitution, 1996) makes provision for the inclusion of socio-economic rights in the Bill of Rights. Davids and Theron (2014:42) list the constitutional socio-economic rights to include the right of access to housing; health care; food; water and social security; basic education including adult basic education; clean healthy environment; the right not to be refused emergency medical treatment; the right not be evicted from one's home demolished without a court order; the right of children to basic nutrition; shelter; basic health care; social services and the right of detained persons to adequate accommodation, nutrition, reading material and medical treatment. Except for the socio-economic rights enshrined in the *Constitution, 1996* the White Paper of Local Government, 1998 (hereafter referred to as WPLG, 1998) provides that local government

must work with its citizens and groups within the community to find sustainable ways to meet their social, economic, and material needs and to improve their quality of lives. The *Local Government: Municipal Systems Act* (Act 32 of 2000) (hereafter referred to *MSA*, 2000) enables municipalities to move towards the social-economic upliftment of local communities and to ensure access to essential services that are affordable to all communities (Thornhill and Cloete, 2014:87-88). In this study, selected socio-economic conditions refer to access to basic socio-economic rights and services such as access to health care, housing, basic education, access to basic service delivery such as water, electricity, and sanitation and to find sustainable ways of which employment opportunities cannot be excluded to meet the community's social, economic, and material needs and to improve their quality of lives. This study seeks to assess the perceived impact of illegal foreign nationals on selected socio-economic conditions in Senqu Local Municipality, Eastern Cape Province.

## **1.2 BACKGROUND TO THE PROBLEM AND PROBLEM STATEMENT**

Senqu Local Municipality is a Category B municipality situated in the Joe Gqabi District Municipality (JGDM) (Category C municipality) which is bordered by Lesotho in the north, the Chris Hani District Municipality in the south, the Elundini District Municipality in the east and the Walter Sisulu District municipality in the west. The following towns form part of the Senqu Local Municipality, namely Lady Grey, Barkly East, Rhodes, Rossouw and Sterkspruit. Senqu Local Municipality with its headquarters situated in Lady Grey is a Category B municipality affiliated to the Joe Gqabi District Municipality. The Senqu Local Municipality population in 2011 was 134 150 compared to 135 141 in the 2001 Census, while the population as provided by the Stats SA, 2016 Community Survey hovers around 140 720. In comparison to the above, the household numbers in 2001 were 33 904, it increases to a total of 38 046 households in 2011, while it dropped to 35 597 households in 2016. There is no clear indication in the Senqu Local Municipality, Integrated Development Plan (IDP) of 2017/2022 (2017:12-21) of the estimated number of illegal foreign nationals (documented and undocumented) living in the Senqu Local Municipality. Figure 1.1 below illustrates the map of the Senqu Local Municipality area.



**Figure 1.1 Map of Senqu Local Municipality area**

(Source: Senqu Local Municipality, IDP of 2017/2022, 2017:21)

According to Senqu Local Municipality, IDP of 2017/2022 (2017:21), there is an inward migration from Lesotho to Sterkspruit and other towns of the JGDM. The average household size in Senqu Local Municipality in 2001 was four while it decreases to 3.5 in 2011 and increase back to four household members per household in 2016. Table 1.1 below shows the average population, household size and population by gender of the local municipalities' including the Senqu Local municipality affiliated to the JGDM.

**Table 1.1 Average population, household size and population by gender of the Joe Gqabi District Municipalities**

Municipality	Total population 2011	Number of households in 2011	Average household size 2011	Total females in 2016	Total males in 2016
Senqu Local Municipality	131981	38046	3.5	75,400	66,400
Elundi Local Municipality	131656	37854	3.5	74,700	70,300

Walter Sisulu Local Municipality	74216	21875	3.4	44,200	41,800
Joe Gqabi District Municipality	337853	97775	3.5	194,000	178,000

(Source: Adapted from Senqu Local Municipality, IDP of 2017/2022, 2018:21-23).

Apart from the above, it is projected that the population of Senqu Local Municipality has grown at an annual rate of 0.9% from 142 000 in 2016 to 148 000 in 2021, which is an average annual growth rate of 0.9% (Senqu Local Municipality, IDP of 2017/2022, 2017:21). As illustrated in Table 1.1 above, there are more females with a total of 75 400 (53.17%) females in comparison to a total of 66 400 (46.83%) males. The composition of the households by population groups in Senqu Local Municipality in 2016 consisted of a total of 97.35 Africans, followed by Whites at 1.2%, Coloureds at 0.9% and the smallest group by household is Asian with 0.6%. Another concern is that the largest population group in Senqu Local Municipality is the age category of between 0-14 years of age with a total of 46 400 (32.7%) followed by the age group of 22 to 44 which forms a total of 27.9% of the total population and the youth of 15-24 with a total of 26, 800. The latter is an indication of the youth that need to find employment opportunities in the future in this area.

According to the Senqu Local Municipality, IDP of 2017/2022 ( 2017:21-22), in 2016 a total number of 94 100 people were living in poverty in the Senqu Local Municipality area, which is 8.22% lower than the 103 000 in 2006. The poverty gap measures the depth of poverty by measuring the average distance of the population from the poverty line which is expressed as a percentage of the upper bound poverty line, as defined by Stats SA. Another concern is that the majority of the Senqu Local Municipality population lives in rural villages and fully relies on social grants to survive. Other socio- economic concerns include the level of education and skills levels in Senqu Local Municipality area which remains low.

Considering the above, the problem statement of this study is: The socio-economic conditions in Senqu Local Municipality area will not improve due to an increasing influx of illegal foreign nationals into the area. Therefore, this study seeks to assess the

perceived impact of illegal foreign nationals on selected socio-economic conditions in Senqu Local Municipality, Eastern Cape Province.

### **1.3 RESEARCH QUESTIONS, HYPOTHESES, OBJECTIVES AND AIM**

#### **1.3.1 Main and Secondary Research Questions**

The main or primary research question of this study was as follows: What is the perceived impact of illegal foreign nationals on selected socio-and economic conditions on Senqu Local Municipality? The secondary research questions were as follows:

- What are the provisions of regulatory legislative frameworks to regulate the influx of movement of foreign nationals and illegal foreign nationals who migrate into RSA?
- What control measures are in place to regulate the influx of foreign nationals and illegal foreign nationals into Senqu Local Municipal area?
- How does the influx of illegal foreign nationals into Senqu Local Municipal area influence the provision of health care services?
- How does the influx of illegal foreign nationals into Senqu Local Municipal area influence the provision of housing?
- How does the influx of illegal foreign nationals into Senqu Local Municipal area influence the provision of basic service delivery such as provision of water, electricity, and sanitation?
- How does the influx of illegal foreign nationals into Senqu Local Municipal area influence the availability of employment opportunities to meet the social, economic, and material needs of community members to improve their living conditions?
- What recommendations can be made to improve the way in which Senqu Local Municipality and other mandated role players manage and regulate the influx of illegal foreign nationals into the area to ensure the promotion of the selected socio-and economic conditions of communities in the area?

### **1.3.2 Main and Secondary Research Objectives**

The primary research objective this study was to assess the perceived impact of illegal foreign nationals on selected socio-and economic conditions on Senqu Local Municipality.

The secondary research objectives were as follows:

- To determine the provisions of regulatory legislative frameworks to regulate the influx of movement of foreign nationals and illegal foreign nationals who migrate into RSA.
- To determine the control measures which are in place to regulate the influx of foreign nationals and illegal foreign nationals into Senqu Local Municipal area.
- To determine how the influx of illegal foreign nationals into Senqu Local Municipal area influence the provision of health care services.
- To determine how the influx of illegal foreign nationals into Senqu Local Municipal area influence the provision of housing.
- To determine how the influx of illegal foreign nationals into Senqu Local Municipal area influence the provision of basic service delivery such as the provision of water, electricity, and sanitation.
- To determine how the influx of illegal foreign nationals into Senqu Local Municipal area influence the availability of employment opportunities to meet the social, economic, and material needs of community members to improve their living conditions.
- To make recommendations to improve the way that Senqu Local Municipality and other mandated role players manage and regulate the influx of illegal foreign nationals into the area to ensure the promotion of the selected socio-and economic conditions of communities in the area.

### **1.3.3 Research Aim**

Based on the above, the aim of the study was to assess the perceived impact of illegal foreign nationals on selected socio-economic conditions in Senqu Local Municipality,

Eastern Cape Province. The study aims to contribute to the body of knowledge on the effect of illegal foreign nationals on selected socio-economic conditions in a municipal area.

#### **1.4 REGULATORY AND LEGISLATIVE FRAMEWORK TO GOVERN MIGRATION AND ILLEGAL FOREIGN NATIONALS IN SOUTH AFRICA**

A detailed discussion about the statutory and regulatory framework relating to migration and illegal foreign nationals is provided in Chapter Two of this study. According to Landau and Segatti (2009:19-20), immigration policies prior to introduction of the democratic dispensation in South Africa in 1994 was based on a typical colonial settlement policy, with limited opportunities for public debate and assessment of skills needs in the various sectors of the economy. It was further incoherent with ongoing migration trends and dynamics. The *Aliens Control Act* of 1991, also known as ‘Apartheid’s Last Act’ was drafted with the aim to unify and simplify all previous immigration policies from 1937. The *Aliens Control Act*, 1991 was in contradiction with the *Interim Constitution*, 1993 and the *Constitution*, 1996 was declared as unconstitutional. The latter lead to the promulgation of the *Immigration Act* (Act 13 of 2002) later the *Immigration Amendment Act* (Act 19 of 2004).

In terms of Section 20 of the *Constitution*, 1996 no citizen may be deprived of citizenship. There is no need, therefore, for foreigners to be illegal. Based on the requirements of the *Constitution*, 1996 the *South African Citizenship Act*, (Act 88 of 1995) (hereafter referred to as the *Citizen Act*, 1995), makes provision for the acquisition, loss and resumption of South African citizenship and for matters incidental thereto. Through the provision of the acquisition, loss and resumption of South African citizenship status, foreign nationals can be in the desired position of lawfully acquiring South African citizenship status rather than remaining illegal and being detained. Whilst the purpose of the *South African Citizenship Amendment Act* (Act 17 of 2010) (hereafter referred to as the *Citizenship Amendment Act*, 2010) is to substitute, insert or delete certain definitions, to revise the provisions relating to acquisition or citizenship by birth, descent, and naturalisation, to repeal or to substitute certain obsolete references and to effect certain technical corrections, illegal foreign nationals or foreigners are managed through the *Immigration*

*Act*, 2002. Section 2(1) of the *Immigration Act*, 2002 provides the objectives of the Act namely, to promote a human rights culture in both government and civil society in respect of immigration control and to facilitating and simplifying the issuance of permanent and temporary residences to those who are entitled to them and concentrating resources and efforts in enforcing this Act at community level, discouraging illegal foreign nationals and detecting and deporting illegal foreign nationals.

There are certain inadequacies in the *Refugees Act* (Act 130 of 1998) and the *Immigrations Act*, 2002 and the *Immigration Amendment Act*, 2004 which results in a lack of options for obtaining immigration documents for many foreign jobs seekers. As a result, many use the asylum system to enter RSA. In terms of Section 22 of the *Refugees Act*, 1998 asylum seekers and refugees are to receive a decision within six months, while they are provided freedom of movement within the country. Section 22 of the *Refugees Act*, 1998 gives the applicants the right to work and study but applicants do not have access to any other social services. Previously, applicants were provided refugee status for a period of two years or asked to leave the country or to apply for another immigration status. Very few applicants received decisions within the expected time frame of six months and many waited years before being rejected, and with many appeals, creating more backlogs. The latter resulted in the asylum system to be legitimised. The *Refugees Amendment Act* (Act 11 of 2017) *inter alia* makes provision for the re-establishment of a Standing Committee to Refugee Affairs, and the Act confers additional power on the Standing Committee to confer additional power on the Director General to clarify procedures relating to the conditions attached to asylum seekers visas and abandonment of applications, thereby revising provisions relating to a review of asylum applications as well as for the withdrawal of refugee status in respect of categories of refugees.

The Border Management Authority Bill was passed by the National Assembly in 2017 and referred to the National Council of Provinces (NCoP) with the aim to ensure that the South African borders are secured. The Bill further aims to address the lack of synergy and to optimise the management, which in turn, will drive economic development while securing the borders from illicit movement of people, goods, and weapons (The DHA Annual Report of 2017/2018, 2018:12-13). Following the Border Management Authority Bill, 2017 the *Border Management Authority Act*, 2020 (Act 2 of 2020) was introduced to make provision for the establishment, organisation, regulation, function and control of

the Border Management Authority (BMA), including the appointment and functions of the Commissioner and Deputy Commissioner, the duties, powers and functions of officers, the establishment of an Inter-Ministerial Consultative Committee, a Border Technical Committee and an advisory committee.

## **1.5 PREVIOUS RESEARCH PERTINENT TO THIS STUDY**

Previous research about the socio-economic impact of illegal foreign nationals in the context of local municipalities focussed on a variety of topics. A master's study was conducted by Ngomane on the socio-economic impact of migration in South Africa, a case of illegal Zimbabweans in Polokwane Municipality in the Limpopo Province. The focus of the study was based on illegal immigrant's perceptions on their impact on socio-economics in Polokwane municipality and the measures taken by the South African government to deal with illegal migration from Zimbabwe. The study found that most Zimbabwean illegal foreign nationals chose to migrate illegally because they do not have passports to enable them to apply for visas, those who have visas cannot afford to pay the R2000 needed for a visa and in addition because of the porous nature of the RSA borders, it is easier to migrate illegally than legally. The study further found that illegal foreign nationals have a serious impact on housing in the Polokwane Municipality in terms of illegal squatting and on health services. In addition, the study revealed a positive impact on both the formal and informal business sectors through the purchasing of goods and commodities for use and resale back in Zimbabwe (Ngomane, 2010:ii).

During 2015, a master's study was conducted by Matshoane. The purpose of the study was to investigate the views of illegal foreign nationals on their socio-economic contributions in South Africa, in particular in the Mafikeng Local Municipality. The study found that the main impact was on the skilled and cheap labour that they bring to the country. The study further showed that 50.2% of the respondents immigrated to RSA for employment reasons, while 18.3% immigrated for educational reasons (Matshoane, 2015:41). Another master's study was conducted by Mokoele in 2012 with the focus on the impact of undocumented illegal immigrants on the provision of housing, job opportunities and health in Limpopo Province. The study found that illegal immigrants have a negative impact on the provision of housing, job opportunities and health facilities in Limpopo Province as many respondents indicated that illegal immigrants were residing

in RDP houses, and that all of them have access to health care facilities. The study further found that most of the illegal immigrants were employed but only pay tax through the purchasing of goods and commodities (Mokoele, 20212:ii). A more recent master's study was conducted by Anegub in 2018 to investigate the push and pull factors of international migration in South Africa in the case of Cameroonians and Congolese migrants in Cape Town. The findings showed that economic factors were the key factors for migration followed by political factors, as well as the influence of migrant's networks.

A doctoral case study was conducted in 2017 by Mkwanzani in Johannesburg to explore the lives and educational aspirations of marginalised migrant youth. The study found that resources to achieve educational aspirations for migrant youth remained constrained in all key dimensions, political, social and economic, and therefore access to higher education became limited. The study further found that aspirations are complex and multidimensional, as is the environment that shapes them. No previous studies have been conducted to assess the perceived impact of illegal foreign nationals on selected socio-economic conditions in Senqu Local Municipality, Eastern Cape Province. The lessons learned and findings derived from the above studies assisted the researcher with this study to assess the perceived impact of illegal foreign nationals on selected socio-economic conditions in Senqu Local Municipality. This study was not based on the insights or perceptions of illegal foreign nationals themselves but rather on the perceptions of selected employees from Senqu Local Municipality and from the various government departments who are directly involved in the management of foreign nationals and illegal foreign nationals within the Senqu Local Municipal area in the Eastern Cape Province.

## **1.6 THEORETICAL FRAMEWORK**

Neuman (2011:85) defines a theoretical framework as a very general theoretical system with assumptions, concepts, and specific social theories. This study employed a multi-theoretical framework drawing on different theories to philosophically ground the analysis and address pertinent theoretical questions pertaining to the study. The perceived impact on the selected socio-economic conditions of a particular community is pertinent to this study. This study, therefore, was based on the people-centred development paradigm and the developmental local government approach or paradigm, which forms part of the humanistic theory that holds that development of people or communities must

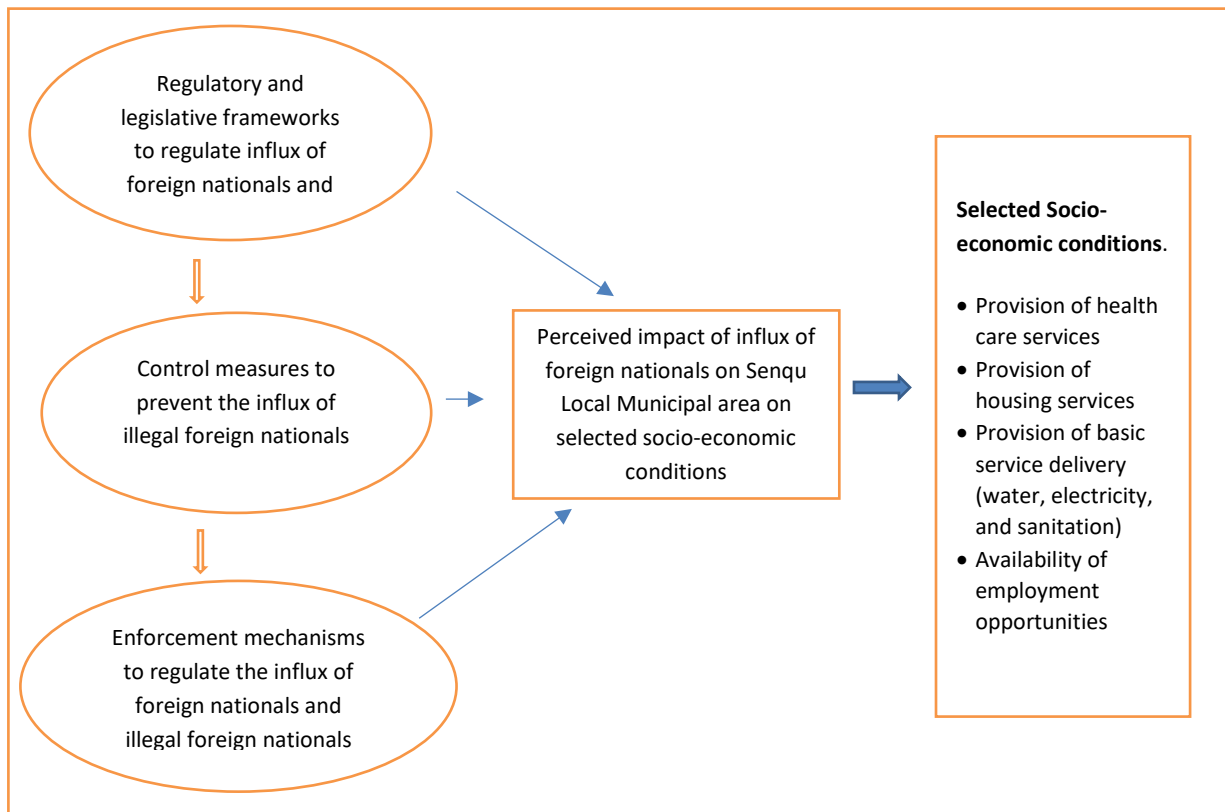
be more human oriented. According to Davids and Theron (2014:16), people became the focus of development to such an extent that the people-centred development paradigm became the buzzword of the 1990s and early 21<sup>st</sup> century.

The people-centred development paradigm may be defined as a process by which members of communities increase their personal and institutional capacities to mobilise and manage resources to produce sustainable lifestyles and justify distributed improvements in their quality of life with their own aspirations and needs of which their socio-and economic needs cannot be excluded. Davids and Theron (2014:17) further argue that the people-centred development paradigm places people at the centre of development by insisting that development should firstly be for the people and by the people. Secondly, the developmental local government approach or paradigm which supports the people-centred development paradigm came to the fore with the promulgation of the WPLG (1998:37), which mandated the developmental local government approach.

The WPLG (1998:37-38) states that the developmental local government has four interrelated characteristics namely, to maximise social development and economic growth, integration and coordination, democratising of development and the role of leadership and learning. The notion of developmental local government means that the powers and functions of local government should be exercised in such a manner that it maximises the impact on the socio-economic development of its communities (Raga, Taylor and Albrecht, 2011:153-154). Other theories that were used for the purpose of this study include municipal government and administration and public administration and management.

## **1.7 CONCEPTUAL FRAMEWORK**

According to Badenhorst (2012:21), a conceptual framework assists a researcher to unpack the key variables used in the research, as well as to identify the relationships between the variables. The conceptual framework for this study was illustrated in Figure 1.1 below.



**Figure 1:1: Conceptual framework of this study**

(Source: Researchers own interpretation).

In line with the conceptual framework presented in Figure 1.1 above, the study seeks to assess the perceived impact of illegal foreign nationals on selected socio-economic conditions in the Senqu Local Municipality, Eastern Cape Province. Firstly, attention was given to the provision of regulatory and legislative frameworks to regulate the influx of foreign nationals and illegal foreign nationals. To give effect to these regulatory and legislative mandates certain control measures must be in place to prevent the influx of illegal foreign nationals, followed by enforcement mechanisms to regulate the influx of foreign nationals and illegal foreign nationals. To determine the perceived impact of the influx of illegal foreign nationals on selected socio-economic conditions an analysis must be conducted to indicate the perceived impact on the provision of selected services such as health care services, housing services, and basic service delivery including water, electricity, and sanitation and on the availability of employment opportunities in the Senqu Local Municipal area. Such an analysis will provide feedback in the form of recommendations to improve the way that the Senqu Local Municipality manage and

regulate the influx of illegal foreign nationals into the area in order to ensure the promotion of the selected socio-and economic conditions of communities of Senqu Local Municipal area.

## **1.8 RESEARCH METHODOLOGY**

### **1.8.1 Research Philosophy/Paradigm**

According to Bless, Higson-Smith and Sithole (2014:20), research methodology refers to the most appropriate way of gathering data to address research questions. This study was based on qualitative research, therefore qualitative research methods were used to describe a phenomena or people's behaviour, themes in behaviours, attitudes or trends or relations between people's actions (Du Plooy-Cilliers, Davis and Bezuidenhout, 2014:12). By following a specific research paradigm, the researcher implements a specific way of studying phenomena in a related field. The three major types of paradigms include positivism, post-positivism or interpretivism and pragmatism paradigms (Du Plooy-Cilliers *et al.* 2014:23-27). Wellman, Kruger and Mitchell (2005:6) state that the positivism paradigm accepts knowledge to be true if it is created through scientific methods. Therefore, the positivistic paradigm (quantitative) underlies the natural-scientific method in human behavioural research that entails that research must be limited to what can be observed and measured. On the other hand, the post-positivism or interpretive paradigm assists the researcher to understand a phenomenon through the meanings that people assign to it. Kaushik and Walsh (2019:2-3) state that a pragmatism paradigm is associated with mixed-methods or multiple-methods, and it accepts that there can be single or multiple realities that are open to empirical inquiry. This study was based on the interpretive paradigm that was applied by answering the research questions for this study.

### **1.8.2 Research Approach and Design**

The research approach followed in this study was a qualitative research approach. According to Bless *et al.* (2014:130), the research design details how the researcher is going to perform certain tasks and what procedures will be followed to answer the research questions. Cooper and Schindler (2003:149) maintain that the research design

refers to a general plan on how the researcher goes about answering the research questions. This study was based on a descriptive case study research design. Du Plooy-Cilliers *et al.* (2014:176-179) aver that a case study design refers to an attempt to know phenomena within a particular situation, therefore a case study design describes a real-life situation by strictly describing the scenario in which the phenomenon occurs. A descriptive case study design describes an intervention or phenomenon and the real-life context in which it occurred.

### **1.8.3 Population and Sampling**

According to Bless *et al.* (2014:162), the research population refers to the entire set of people or objects which will be the focus of the research about which the researcher wants to determine some characteristics. The sample refers to a smaller group or sub-set selected from the research population whose characteristics will be generalised to the entire population. The research population of this study comprised of all employees from the various government structures or departments who are directly involved in the management of foreign nationals and illegal foreigners within the JGDM and Senqu Local Municipal in the Eastern Cape Province. The Senqu Local Municipality is affiliated to the JDGM.

The sample size in qualitative studies depends on what the researcher wants to investigate, what will be useful, what will have credibility and what can be done with the available time and resources (Maree, Creswell, Ebershohn, Eloff, Ferreira, Ivankova, Jansen, Niewenhuis, Pietersen and Plano Clark, 2017:84). Maree *et al.* (2017:84) further aver that 15 is the smallest acceptable sample size in qualitative research. In this study, the purposive sampling method as a non-probability sampling method was used to select the sample. According to Bless *et al.* (2014:172), the purposive sampling method is used based on the judgement of a researcher regarding the characteristics of a representative sample. Therefore, purposive sampling was used to select the 36 participants who were categorised as follows – Eighteen employees from the various government departments, four traditional leaders from four traditional councils and four community members as believed to be directly affected by the presence of illegal foreign nationals and 10 participants who are employees in Senqu Local Municipality. The selected 36 participants are indicated below:

<b>Department / Municipality</b>	<b>Occupation</b>	<b>Place</b>
Social Development	Local Office Manager	Sterkspruit office
Social Development	Social Work Supervisor	Sterkspruit office
Social Development	Social Work Supervisor	Lady Grey office
Social Development	Social Work Supervisor	Barkly East office
Doj and CD	Prosecutor from magistrate court	Sterkspruit office
Doj and CD	Prosecutor from regional court	Sterkspruit office
Doj and CD	Prosecutor from magistrate court	Barkly East office
SAPS	Visible Policing Commander	Sterkspruit Police Station
SAPS	Visible Policing Commander	Phumalanga Police Station in Sterkspruit
SAPS	Visible Policing Commander	Palmietfontein Police station in Sterkspruit
SAPS	Visible Policing Commander	Lady Grey Police Station
DHA	Civic Services Supervisor / Acting Immigration Control	Sterkspruit office
DHA	Port Manager	Tellebridge port of entry, Sterkspruit
SANDF	Military commander	Deployed at border post in Tellebridge, Sterkspruit
Department of Health	Hospital Manager	Empilisweni Hospital from Sterkspruit
Department of Health	Hospital Manager	Umlamli Hospital from Sterkspruit
Department of Health	Hospital Manager	Cloete Joubert Hospital in Barkly East
Department of Health	Hospital Manager	Lady Grey
Cooperative Governance and Traditional Affairs	Traditional leader from Amahlubi traditional council	Sterkspruit
Cooperative Governance and Traditional Affairs	Traditional leader from Amavundle traditional council	Sterkspruit
Cooperative Governance and Traditional Affairs	Traditional leader from Basotho traditional council	Sterkspruit

Cooperative Governance and Traditional Affairs	Traditional leader from Batlokoa traditional council	Sterkspruit
Senqu Local Municipality	Municipal Manager	Lady Grey
Senqu Local Municipality	CFO	Lady Grey
Senqu Local Municipality	Chairperson of the Municipal Standing Committee Accounts Committee	Lady Grey
Senqu Local Municipality	IDP/LED	Lady Grey
Senqu Local Municipality	Ward 2 Councillor	Sterkspruit
Senqu Local Municipality	Ward 3 Councillor	Sterkspruit
Senqu Local Municipality	Ward 4 Councillor	Sterkspruit
Senqu Local Municipality	Ward 6 Councillor	Sterkspruit
Senqu Local Municipality	Ward 7 Councillor	Sterkspruit
Senqu Local Municipality	Ward 17 Councillor	Sterkspruit
Senqu Local Municipality	Community member	Makhumsha Location in Sterkspruit
Senqu Local Municipality	Community member	Bhebheza Location in Sterkspruit
Senqu Local Municipality	Community member	Qhoboshane Location in Sterkspruit
Senqu Local Municipality	Community member	Makhetheng Location in Sterkspruit

Except for the above, convenience sampling, which is a non-probability sampling method, was used to select ten members from the Senqu Local Municipality with whom semi-structured interviews were conducted to elicit information about the perceived impact of illegal foreign nationals on the provision of basic service delivery to the local communities of the Senqu Local Municipal area. According to Salkind (2018:91), convenient sampling can be used when the members of the population are convenient to sample.

#### **1.8.4 Data Collection**

Information for this study was required from both secondary and primary sources. This method is preferred because both primary and to a larger degree, secondary information sources, are readily available. Specific information concerning the management of foreign nationals and the challenges concerning illegal foreign nationals and their perceived impact on selected socio-economic conditions in Senqu Local Municipality areas was extracted from municipal reports and government departmental annual review reports. Data was collected by distributing a semi-structured questionnaire (See Annexure B) to selected employees of the different departments who are directly involved in the management of foreign nationals and illegal foreigners within the Senqu Local Municipality area, affiliated to the JGBDM in the Eastern Cape Province. Semi-structured interviews (See Annexure C) were conducted to gather information from employees of the Senqu Local Municipality concerning the perceived impact of illegal foreign nationals on the selected socio-economic conditions in Senqu- Local Municipality.

#### **1.8.5 Data Analysis**

Data analysis refers to a continuous process of describing, classifying and interpreting data. Data analysis is the conversion of raw data, into valuable, meaningful information for the researcher (Bless *et al*, 2014:20). In this study, the researcher was assisted by an experienced statistician in qualitative research methodologies. The statistician assisted the researcher firstly to develop the semi-structured questionnaire and interview schedule, and secondly to provide guidance in collating, interpreting, and analysing the results from the data collection instruments. In the study, the data analysis included a description as well as a summary of the information obtained from the semi-structured questionnaire. Simple figures, bar charts, tables and percentages were used to present the data. The statistician captured the data electronically in Microsoft Excel and the analysis was done using SAS Version 9.2 to analyse the data of the semi-structured questionnaires. A manual thematic analysis was used to make sense of the data or responses from the semi-structured interviews and to provide relevant themes and interpretations of the responses from the respondents.

### 1.8.6 Ethical Considerations

The following principles of ethical conduct were adhered to in the study:

- **Letters of consent:** A letter was submitted to the 36 government employees and to the ten employees of Senqu Local Municipality to make the different departments aware of the research purpose and to get the consent to distribute the semi-structured questionnaire and interviews to the relevant employees (See Annexure A). The researcher is an employee of the DHA and verbal permission was granted to the researcher to distribute the semi-structured questionnaires and to conduct the semi-structured interviews.
- **Informed consent:** Participants were made aware of the research purpose and that they were required to give their consent to participate in the research (See Appendix B and C).
- **Privacy:** The confidentiality of information and anonymity of participants is protected.

## 1.9 LIMITATIONS OF THE STUDY

There are various external factors that the study may be subjected to, such as the assurance and readiness of the participants to take part in the study. All these factors may have a possible influence on this study which is beyond the control of the researcher. The following were identified as factors that hampered and acted as limitations of the research study:

- **Generalisation of findings.** The findings of the study are restricted to respondents based in Senqu Local Municipality area. Therefore, caution should be exercised regarding the generalisation of the findings to other provinces in the country and beyond.
- **Respondents' willingness to participate.** There was a sense of fear and mistrust from the respondents as some respondents wrongly interpreted academic research as some form of investigation. The latter could influence the respondent's perceptions and the way the respondents answer the questions in the questionnaire. A letter requesting permission to conduct academic research was given to all respondents and the purpose of the study was clearly outlined.

## 1.10 CHAPTER LAYOUT

The study was divided into five chapters.

**Chapter 1: General orientation to the study.** The chapter explains the background to the problem, the problem statement, research methodology, research questions and objectives.

**Chapter 2: Theoretical overview of the management of migration and illegal foreign nationals in South Africa.** The chapter outlines the concepts migration, illegal foreign nationals, the international convention protocols and national regulatory and legislative frameworks on migration and illegal foreign nationals. An overview of migration trends and influx of illegal foreign nationals into RSA are provided and the effect of migration and illegal foreign nationals on service delivery in South African cities and towns outlined. The control measures to control the influx of illegal foreign nationals in South Africa and the function of enforcement and monitoring of illegal foreign nationals as a control measure and the law enforcement mechanism and other role players to regulate the influx of legal and illegal foreign nationals are outlined in this chapter.

**Chapter 3: Theoretical overview of socio-economic development of local communities with specific reference to the perceived effect of illegal foreign nationals on socio-economic conditions in Senqu Local municipality.** This chapter outlines the relationship between community development, socio-economic and local economic development followed by a discussion about the regulatory and legislative framework for socio-economic development of local communities and the socio-economic development of local communities in South Africa. The existing socio-economic development structures and employment and job creation as part of Senqu Local Municipality LED strategy are provided, followed by a discussion about the current challenges of socio-economic development in the Senqu Local Municipality. The impact of foreigners on the socio-economic sectors in South Africa and the perceived impact of the influx of illegal foreign nationals on selected socio-economic conditions with specific reference to Senqu Local municipality are provided in this chapter.

**Chapter 4. Research methodology, findings and results of the semi-structured questionnaire and interviews.** This chapter examines the research methodology, the approaches, the research design, validity, reliability and data analysis of the empirical study and further focuses on the results attained from the semi-structured questionnaire and semi-structured interviews.

## **Chapter 5. Overview of chapters, recommendations and conclusion**

This chapter provides a summary of the chapters of this study, followed by recommendations to manage illegal foreign nationals and to improve the selected socio-economic conditions in Senqu Local Municipality in the Eastern Cape Province.

### **1.11 SUMMARY**

This chapter provides a guideline on how the study was set out. Therefore, this chapter highlighted the motivation of the research, the research problem, research questions, objectives and aim and research methods used. It further provides clarity on the concepts that form the foundation of the research. The next chapter provides the theoretical overview of the management of migration and illegal foreign nationals to South Africa.

## **CHAPTER TWO: THEORETICAL OVERVIEW OF THE MANAGEMENT OF MIGRATION AND ILLEGAL FOREIGN NATIONALS IN SOUTH AFRICA**

### **2.1 INTRODUCTION**

Countries and regions around the world recognise that migration has potential benefits. Migration has assisted many countries in increasing their labour markets, in economic development, the circulation of skills and allows sustained specialisation of growth strategies. In countries such as Bangladesh, Mexico and the Philippines migration has become central to national development strategies, while internal migration in China and India has been the main source of urbanisation and economic development (Segatti and Landau, 2011:xiv). According to Segatti in Segatti and Landau (2011:9), the mining industries in Southern African countries relied for many decades on domestic and international migrant labour that has shaped the economies of the region, forms of urban settlement and primary livelihood strategies. There are varied patterns showing the movement of people rapidly expanding, from cross-border trading, seasonal migration for commercial farming, to asylum seeking, to temporary stays for study and training purposes.

Since 1990, the RSA has become the new migration hub, drawing hundreds of thousands of new migrants from other African countries, as well as from Bangladesh, China, Pakistan, and Eastern Europe. Although migration has some benefits, over the years the popular view in RSA has been that African migrants mainly have a negatively impact on the country's socio-and economic conditions (Dassah, 2017:255). Republic of South Africa societies are deeply entrenched in wide-spread poverty, high unemployment rates, class and racial divides, poor education systems, and slow economic growth, and therefore social tension related to migration clearly constitutes a threat in social order. The presence of large numbers of foreign migrants and illegal foreign nationals caused two major incidents of xenophobic attacks in South Africa during 2008 and 2015. The xenophobic attacks in 2008 left 62 people dead and about 150 000 displaced, primarily foreign nationals and members of South Africa's ethnic minorities. These incidents emphasised the need of government to develop adequate migration policies, increase border control measures, and ensure adequate administrative capacity that recognises that migration is and will remain an unavoidable feature of the region. However, RSA's national policies and regional initiatives focus mostly on migration and border controls, therefore

inadequate coordination of the movement of illegal foreign nationals and inadequate administrative capacity undermining governments' policies. Therefore, the lack of an adequate migration policy further undermines efforts to ensure refugee protection (Dassah, 2017:55).

In this chapter, the following aspects were outlined, namely the conceptualisation of concepts, international frameworks and national legislative frameworks, policies, and regulations concerning migrants and foreign nationals that regulates migration of foreign nationals' and detention in South Africa. An overview of migration in South Africa was provided, followed by a discussion about the reasons for migration to South Africa, the impact of migration and illegal migration of foreign nationals on cities and towns, with specific attention on service delivery health services, employment, and housing. The control measures and role players to manage the influx of illegal immigrants in South Africa and the law enforcement mechanisms and other role players to regulate the influx of legal and illegal foreign nationals were also discussed.

## 2.2 CONCEPTUALISING OF CONCEPTS

Migration refers to movement of a person from one country into another for the purpose of taking up permanent or semi-permanent residence, usually across a political boundary (Machavanda, 2016:11). In terms of Section 1(1)(xviii) of the *Immigration Act, 2000* an illegal foreigner means a foreigner who is in the RSA in contravention of the Act and includes a prohibited person. According to Mokoale (2012:11), an undocumented migrant or illegal migrant refers to a person entering a country of which he/she is not a citizen without demonstrating at the port of entry that he/she has a legal document justifying such entry. The White Paper on International Migration, 2017 uses the term illegal migrant rather than undocumented person. In this study, the term illegal foreign national is used to refer to a person entering the border without legal documentation. An irregular migrant refers to people who have entered RSA without legal documentation, or whose permits have expired, or who have broken the terms of their permits (Mkwanzani, 2017:39).

According to Hiropoulos (2017:3), a refugee is a person who has been granted asylum status and protection because he/she left their home country with a well-founded fear of persecution for reasons of race, religion, nationality, political opinion, or a membership in

a particular social group and sometimes such person can also be a person in need of protection. The *Refugees Act*, 1998 defines a refugee as any person who has been granted asylum. Shacknove (1985:274) maintains that a refugee is a person fleeing life-threatening conditions. Turner (2016:140) avers that refugees are the product of exceptional situations such as natural disasters, war and violence whereby their situations are emanating from emergencies, and they are exceptional, temporary, and often in legal grey zones. Fragomen (1970:49) accentuates that a refugee is a person who is stateless or without any country of nationality, has been or will be denied the right of return to his country of nationality or former residence, has been forced to leave his normal country of residence due to racial, political, or religious discrimination and has been the victim of a war or a disaster which has seriously disadvantaged his condition of living, or is unable or unwilling to accept the protection of the government of his country of origin as a result of fundamental political dangers and cannot avail himself of the protection of another government except as a "right of asylum". Nicholson and Kumin (2017:16) are of the opinion that refugees should not be forcibly returned to a territory where their lives or freedom would be threatened.

Hiropoulos (2017:3) states that an asylum seeker is a person who has fled their country of origin and is seeking recognition and protection whose application is still under consideration. In instances where their application is rejected, they are required to leave the country voluntarily or will be deported. Haddad (2004:4) maintains that a refugee is a person who is a victim of persecution, and that act needs to be condemned. Not every asylum-seeker will ultimately be recognised as a refugee. However, an asylum-seeker should not be sent back to his or her country of origin until the asylum claim has been examined in a fair procedure (Nicholson and Kumin, 2017:17). The RSA has a policy of self-settlement and self-sufficiency for asylum seekers and refugees, including the right to work and the right to access public health care and education services (Hiropoulos, 2017:3).

### **2.3 INTERNATIONAL CONVENTION PROTOCOLS, INCLUDING NATIONAL REGULATORY AND LEGISLATIVE FRAMEWORK ON MIGRATION AND ILLEGAL FOREIGN NATIONALS**

The following section outlines the international convention protocols and the national regulatory and legislative frameworks on migration and illegal foreign nationals

### **2.3.1 The United Nations Refugee Convention of 1951 and 1967 Protocol**

The RSA is one of the signatories to the 1951 United Nations (UN) Refugee Convention, its 1967 Protocol, as well as the 1969 African Union Refugee Convention. The RSA as a member state must comply with international standards on refugees, arrest, and detention of foreign nationals. The protocol provides that refugees, non-citizens and stateless persons shall be informed of their right to contact consular officials and relevant international organisations, such as the United Nations High Commissioner for Refugees, be provided with the means of contacting those authorities without delay and the detaining authorities shall only contact or provide access to the consular authority or relevant international organisations about the arrest and detention of a person who is a refugee if the person so requests (Kaggwa, 2014:27; Mkwanaenzi, 2017:36).

### **2.3.2 The African Union Conventions and Protocols**

According to Abebe (2017:3), the former Organisation of African Unity (OAU) promulgated a regional convention on refugees in 1969 for governing the specific aspects of refugee problems in Africa, aiming to achieve sustainable economic development in Africa and transform small and fractioned economies through regional integration. Abebe (2017:6) states that the OAU 1969 convention obliges member states to receive refugees and secure the settlement of those who are unable or unwilling to return to their country of origin and it is re-affirmed that the states must grant asylum to people who arrive at their frontiers, to work with other member states to obtain asylum for them and grant temporary residence to failed asylum seekers, pending their re-settlement. Therefore, refugees must conform to the laws and regulations of the host country and to any pertinent measure in safeguarding the country's public order and encouraging the voluntary repatriation of refugees and prohibits forcible repatriation (Abebe, 2017:7). Moreover, Abebe (2017:4) maintains that an objective of a regional convention on refugees is to harmonise their legislation with international conventions as to protect the rights of migrants and enact policies on preventing discrimination, racism and xenophobia.

Considering the above, African states followed the 1967 Protocol and adopted the 1969 OAU Convention Governing Specific Aspects of Refugee Problems in Africa. The 1967 Protocol expanded the definition of a refugee. During the 1951 Convention the OAU

provided that the term refugee shall apply to any person, due to external aggression, foreign domination, occupation, any events seriously disturbing public order in his/her country of origin or nationality, who is compelled to leave the place of habitual residence to seek refuge in another place outside the country of origin. South Africa is obliged to comply with the provisions to ensure that refugees are protected in accordance with the stipulated standards of treatment as provided in the international law document (Mkwananzi, 2017:36).

The African Union (AU) hosted the Kampala Convention in 2009 with the aim to promote and strengthen the regional measures; to tackle the root causes of internal displacement and establish a legal framework; to prevent internal displacement; to aid and offer protection to the assistance of internally displaced persons in Africa; and to promote the development of relevant cooperation frameworks to address internal shifts and its consequences (Abebe, 2017:7). Abebe (2017:14) further avers that Africa and Europe agreed to implement a number of urgent actions such as full execution of all relevant conventions; close cooperation in removing the root causes of migration, aid in the voluntary return and reintegration of African refugees and displaced persons living in Africa; and support efforts by relevant actors to ensure the protection of the civilian and caring atmosphere of refugee camps and settlements as to address the problem of refugees and internally displaced persons. The AU has the right to intervene in a member state under grave situations, such as war crimes, killing and crimes against humanity.

Cook and Husted (2016:3-4) maintain that the AU has the following objectives. The first objective is based on the enhancements in standards of living of citizens in the areas of education, skills, health, habitats based on gender equality and youth empowerment. The second objective focuses on economic transformation and job growth on agricultural investment and development that is underpinned by infrastructure improvements, environmental sustainability, and climate resilience. The third objective focuses on increased political and economic regional integration based on the ideals of Pan Africanism that is regional political and economic self-determination and solidarity and greater African agency in global affairs. The fourth objective is to improve governance, deepening of democratic values, and entrenched respect for human rights, justice, and the rule of law. The fifth objective is focused on institutional and leadership capacity development. The last objective focuses on regional peace and security. Thom-Otuya

(2014:355-356) states that the AU demands African integration that involves a complex web of cooperation between countries within a given geographical area. Furthermore, it demands harmonisation of policies in such sectors as trade, investment, infrastructural development, as well as monetary and fiscal policies of member states as to ensure stability and sustainable economic growth and development within the integrating area.

In light of the above discussion, Kituyi (2018:52) avers that the AU has a draft protocol on the free movement of persons, right of residence and establishment, which foresees right of entry and the abolition of visa requirements, an African common passport, the free movement of border publics, the harmonisation of national laws and policies on immigration, the free movement of students, researchers and workers, the joint appreciation of skills, right of residence, portability of social security, shield of property and remittances.

### **2.3.3 The *Constitution of the Republic of South Africa, 1996***

According to Hiropoulos (2017:2), Chapter Two of the *Constitution, 1996* guarantees to all persons, including citizens and those documented and undocumented, fundamental, and procedural protections, expansively delineates the rights of immigrants and provides for their protection from unconstitutional conduct and human rights violations. In terms of Section 9(1) of Chapter Two of the *Constitution, 1996* everyone is equal before the law and have the right for equal protection and benefit of the law, which gives effect that citizens and those documented and undocumented must be fairly and equally presented before the law. Furthermore, Section 9(3) on Chapter Two of the *Constitution, 1996* avers that the state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language, and birth. Therefore, irrespective of the place where a person was born, they are also protected by the *Constitution, 1996*. Except for the above, Section 20 of the *Constitution, 1996* provides that no citizen may be deprived of citizenship which in essence means that there is no need for the foreigners to be illegal.

Hiropoulos (2017:2) further avers that the compliance with legal framework on arrest and detention of foreign nationals is enshrined in Section 35(f) of the *Constitution, 1996* that

gives every detainee the right to be released from detention if the interests of justice permit and subjected to reasonable conditions. In terms of Section 10 the *Constitution*, 1996 everyone has inherent dignity and the right to have their dignity respected and protected. Section 35(1) (d)(i) to (ii) of the *Constitution*, 1996 provides that everyone who is arrested for allegedly committing an offence has the right to be brought before a court as soon as reasonably possible, but not later than 48 hours after the arrest, or the end of the first court day after the expiry of the 48 hours, if the 48 hours expire outside ordinary court hours or on a day which is not an ordinary court day.

#### **2.3.4 *Refugees Act (Act 130 of 1998) and the Refugees Amendment Act (Act 11 of 2017)***

According to Mkwanzani (2017:37) backed by the *Constitution*, 1996 the *Refugee Act*, (Act 130 of 1998) provides the definitions of a refugee as contained in the 1951 Convention and the 1967 Protocol. In terms of Section 36 of the *Refugees Act*, 1998 the Standing Committee for Refugee Affairs must function without any bias. The Act further provides that the withdrawal of refugee status applies if a person has been recognised as a refugee erroneously on an application which contains any materially incorrect or false information, or was so accepted due to fraud, forgery, a false or misleading representation of a material or substantial nature in relation to the application.

Vigneswaran in Segatti and Landau (2011:105) points out that the *Refugees Act*, 1998 makes provision for rights to legally recognise refugees but the same Act is ambiguous regarding the rights of non-citizens to public health services. Refugees and asylum seekers should be treated in terms of the *Refugee Act*, 1998 however, the different categories of regional migrants are granted differential rights to access free public health services. Non-citizens with study or work permits are meant to be charged a fee for public health services, including antiretroviral therapy. According to Mkwanzani (2017:38) the *Refugees Act*, 1998 makes provision for asylum seeker permits known as the Section 22 Permit and a refugee permit known as the Section 24 Permit, which allows the holder to live in the country but confers different privileges. Anegub (2018:31) points out that the *Refugee Act*, 1998 provides that a five-year refugee permit may be issued to a person who has remained as an asylum seeker in RSA for a period of five-years continuously. Anegub (2018:31) further states that asylum seekers who must be refugees for five years after their asylum

application has been granted, will be eligible for the status of permanent residence of RSA. Many asylum seekers who have lived in RSA for more than five years are still experiencing difficulties of getting refugee status as provided in the Act. The Refugees Act, 1998 leads to the promulgation of the *Immigration Act*, (Act 13 of 2002) which allows permits for skilled migrants, tourists, students as well as different categories of permanent and temporary permits.

The purpose of the *Refugees Amendment Act* (Act 11 of 2017) is to amend and insert certain definitions and to include further provisions relating to disqualification from refugee status. The *Refugees Amendment Act*, 2017 makes provision for integrity measures to combat fraud and corruption among staff members at Refugee Reception Offices, the Standing Committee and the Refugee Appeals Authority, to omit provisions referring to the Status Determination Committee, to substitute certain provisions relating to the Refugee Appeals Authority, to provide for the re-establishment of the Standing Committee for Refugee Affairs and to confer additional powers on the Standing Committee and additional powers on the Director-General. The *Refugees Amendment Act*, 2017 further clarifies the procedure relating to conditions attached to asylum seeker visas and abandonment of applications, to revise provisions relating to the review of asylum applications, to provide for the withdrawal of refugee status in respect of categories of refugees, to provide for additional offences and penalties, to provide for transitional provisions, and to provide for matters connected therewith.

The *Refugees Amendment Act*, 2017 provides some important changes concerning the management of refugees in the country. In terms of Section 34(b) and Section 21(1)(b) of the *Refugees Amendment Act*, 2017 a refugee must inform the Refugee Reception Office of his/her residential address and of any changes to that address within 30 days and the application for asylum must be made in person through the given procedure within five days of entry into the RSA to a Refugee Status Determination Officer at any Refugee Reception Office or at any other place selected by the Director General. Section 21(1a) and (1b) of the *Refugees Amendment Act*, 2017 further provides that prior to an application for asylum, every applicant must submit his or her biometrics or other data to an immigration officer at a designated port of entry or a Refugee Reception Office and an applicant who may not be in custody of an asylum transit visa must be interviewed by an immigration officer to determine whether valid reasons exist as to why the applicant is not

in possession of such visa. Thus, the *Refugees Amendment Act, 2017* makes more options available to submit the application for asylum as the Director General, through his/her decision, can designate any other place that can assist the receiving and processing of the application of asylum within a prescribed period. In this regard, Hiropoulos (2017:3) maintains that those who are seeking asylum or who have received refugee status in South Africa are not subject to detention.

### **2.3.5 Refugees Regulations, 2019**

According to Section 18(1)(a) and (b) of the Refugees Regulations number 42932, 2019 any refugee who is 16 years or older must, immediately upon receipt of his or her certificate of recognition of refugee status, apply for an identity card or document that must be accompanied by a copy of the applicant's certificate and the biometrics that conform to the identity specifications. While Section 23(a)(b) and (c) and Section 16 (1)(a) and (b) of the Refugees Regulations number 42932, 2019 states that before refugee status may be withdrawn, the Standing Committee must provide written notice to the refugee indicating the intention of the Standing Committee to withdraw his or her status, the reasons for the intended withdrawal, and that he or she has the right to make written representations to the Standing Committee within 30 calendar days of the date of receipt of the notice. In addition, the refugee can appeal the rejection of recognition through the refugee appeals authority by submitting a letter of rejection from the Refugee Status Determination Officer within 10 working days, stating the grounds for the appeal.

Section 16(4) and Section 21 of the Refugees Regulations number 42932, 2019 states that an asylum seeker who has failed to lodge an appeal or whose appeal has been rejected must be referred to an immigration officer to be dealt with as an illegal foreigner in terms of the provisions of the Immigration Act 2002 and the Minister may issue an order requiring the Director General to immediately detain and remove, from the RSA, any asylum seeker or refugee when they are a threat to national security.

### **2.3.6 *South African Citizenship Act (Act 88 of 1995) and South African Citizenship Amendment Act (Act 17 of 2010)***

The *South African Citizenship Act (Act 88 of 1995)* is responsible to provide for the acquisition, loss, and resumption of South African citizenship and for matters incidental thereto. Through the provision of the acquisition, loss and resumption of South African citizenship status, foreign nationals are in a better position of lawfully acquiring South African Citizenship rather than staying as an undocumented or illegal foreign nationals in the country. Section 7(1) of the *Citizenship Act, 1995* avers to the fact that any South African citizen who intends to accept the citizenship or nationality of another country, or who also has the citizenship or nationality of a country other than the RSA, may make a declaration in the prescribed form as to renounce the South African citizenship. Additionally, Section 8(1) of the *South African Citizenship Act, 1995* states that the Minister may by order deprive any South African citizen citizenship by naturalisation for various reasons.

The purpose of the *South African Citizenship Amendment Act (Act 17 of 2010)* is to substitute, insert or delete certain definitions, to revise the provisions relating to acquisition or citizenship by birth, descent and naturalisation, to repeal or to substitute certain obsolete references, and to effect certain technical corrections, and to provide for matters connected therewith. The *South African Citizenship Amendment Act, 2010* provides in Section 6(3) that any person who obtained South African citizenship by naturalisation shall cease to be a South African citizen if he/she engages, under the flag of another country, in a war that the RSA does not support. Which means that the *South African Citizenship Amendment Act, 2010* does not allow South African citizenship by naturalisation to support former countries even if not at war with RSA, but even if such war is not supported by South Africa as to retain his or her citizenship. While the principal Act, the *South African Citizenship Act, 1995* provides in Section 6(1)(b) that a South African citizen shall cease to be a South African citizen if he/she in terms of the laws of any other country also has the citizenship or nationality of that country and serves in the armed forces of such country while that country is at war with the RSA. Which means that the *South African Amendment Act, 2010* does not allow South African citizenship by naturalisation to support their former states even if it is not at war with RSA.

In terms of Section 5(e) of the *Citizenship Amendment Act, 2020* the Minister may, upon application in the prescribed manner, grant a certificate of naturalisation as a South African citizen to any foreigner who satisfies the Minister that he/she is ordinarily resident in the RSA and that he/she has been so resident for a continuous period of not less than five years immediately preceding the date of his or her application and that he/she has, in addition, been resident in the RSA for a further period of not less than four years immediately preceding the date of his or her application.

### **2.3.7 Border Management Authority Bill of 2016 and *Border Management Authority Act (Act 2 of 2020)***

The DHA Affairs Annual Report of 2017-2018 (2018:12-13) states that the Border Management Authority Bill, 2016, Number (B9b of 2016) aims to address the lack of synergy and optimise border management, which will in turn secure the country's borders from the illicit movement of persons, goods, weapons, minerals, wildlife, and narcotics. The Border Management Authority Bill, 2016 can be seen as an integrated border management approach that will allow modern travel and trade through a single authority that is responsible for ports of entry and the control of the borders of the RSA for balanced facilitation of legitimate trade and travel with security. Following the Border Management Authority Bill, 2016 the *Border Management Authority Act (Act 2 of 2020)* was signed by the President on 16 July 2020. The *Border Management Authority Act, 2020* makes provision for the establishment of the Border Management Authority (BMA), the appointment and functions of the Commissioner and Deputy Commissioner, the duties, powers and functions of officers, the establishment of an Inter-Ministerial Consultative Committee, Border Technical Committee, and advisory committee. In terms of Section 3 of the *Border Management Act, 2020* the object of the Act is to establish and empower the Border Management Authority (BMA) to achieve an integrated border law enforcement within the border law enforcement areas and at ports of entry and to promote cooperation and coordination of border management matters. Section 5 of the *Border Management Authority Act, 2020* provides the following functions of the BMA; to facilitate and manage the legitimate movement of persons and goods within the border law enforcement area and at ports of entry; to cooperate and coordinate its border law enforcement functions with other organs of state, border communities or any other persons. The *Border Management Authority Act, 2020* makes provision in Section 18(1) and (2) for the powers of entry,

search, seizure, arrest, and detention. In this regard Section 18(a) of the Act provides that an officer may, with or without a warrant, within the border law enforcement area or at a port of entry enter any premises, search any person, goods, premises or vehicle, inspect any goods, documents, premises or vehicle, seize anything found in that search or inspection that may be lawfully seized, question any person about any matter related to the passage of persons, goods or vehicles through a port of entry or across the border law enforcement area and confirm their responses in a written declaration and arrest or detain any person reasonably suspected of contravening any provision of the Act or any relevant legislation. Thus, the promulgation of the *Border Management Authority Act, 2020* can be seen as a more integrated approach to the management of border law enforcement and port of entry through a single authority, namely the BMA, in a more effective manner.

### **2.3.8 The *Immigration Act (Act 13 of 2002)*, *Immigration Amendment Act (Act 19 of 2004)* and *Immigration Amendment Act (Act 13 of 2011)***

The DHA is the administrator of the *Immigration Act, 2002*, the accompanying Regulations and the Refugees Act, 1998 and the *Refugees Amendment Act, 2017*. The *Immigration Act, 2002* regulates the immigration of skilled foreigners, students, tourists, and other categories of permanent and temporary foreigners, as well as the processes related to immigration detention and deportation. In terms of Section 2(1) of the *Immigration Act, 2002* the objectives of the Act are to promote a human rights culture in both government and civil society in respect of immigration control and to facilitate and simplify the issuance of permanent and temporary residences to those who are entitled to them and concentrating resources and efforts in enforcing this Act at community level. Furthermore, discouraging illegal foreign nationals and detecting and deporting illegal foreign nationals gives rise that illegal foreign nationals are managed through the *Immigration Act, 2002*.

Section 28(a) of the *Immigration Act, 2002* provides that the DHA may withdraw a permanent residence permit if its holder within four years of the issuance of such permit, has been convicted of any of the offences listed in Schedule 1 of the *Immigration Act, 2002* or has been convicted three times of any of the offences listed in Schedules 1 and 2 of the *Immigration Act, 2002*. In terms of Schedule 1 of the *Immigration Act, 2002* the following offences are treason against the RSA, namely murder, rape, statutory rape,

indecent assault, robbery, kidnapping, assault when a dangerous wound is inflicted and arson. Schedule 2 offences are corruption, sedition, public violence, culpable homicide, bestiality, malicious injury to property, breaking and entering any premises, theft, receiving stolen property knowing it to have been stolen, fraud, forgery or uttering a forged document knowing it to have been forged, offences relating to coinage, any offence relating to the illicit possession, conveyance or supply of dependence producing drugs, the punishment of which may be a period of imprisonment exceeding six months without the option of a fine.

According to the *Immigration Amendment Act* (Act 19 of 2004), the act has been amended for the purpose of inserting or deleting certain definitions, to provide for the delegation of powers and review procedures, to amend the composition and functions of the Immigration Advisory Board, to provide afresh for interdepartmental cooperation, to amplify and redefine the Minister's powers to make regulations and to amend the procedures. The purpose of the *Immigration Amendment Act* (Act 13 of 2011) is to substitute certain words of the Preamble to the Act, delete, insert, or substitute certain definitions. The *Immigration Amendment Act*, 2011 further provides for the designation of ports of entry, to revise provisions relating to visas for temporary sojourn in RSA. In addition, the *Immigration Amendment Act*, 2011 makes provision to revise provisions relating to permanent residence, to revise penal provisions, to correct certain important technical aspects in the text of the Act and to make provision for mandatory transmission of information on advance of passenger's name record information and use of passengers.

The *Immigration Amendment Act*, 2004 sets out the procedure allowing admission to, residence in and departure from the RSA, to clarify the appointment, powers and duties of inspectors, to further regulate the use of conveyances with regard to admission to the RSA, to repeal the provisions that provide for Immigration Courts, to provide afresh for the keeping of registers of lodgers by certain persons, to clarify the powers of immigration officers and police officers with regard to interviewing a person when they are not satisfied that the person is entitled to be in the RSA, to clarify the position with regard to certain offences, to correct certain important technical aspects in the text of the Act, to provide for the substitution for Schedule 3 to the Act of a new Schedule, to provide for certain transitional matters and to provide for matters connected therewith.

The *Immigration Amendment Act* (Act 19 of 2004) *inter alia* refers to illegal foreign nationals in two sections. Firstly, Section 7 (1)(b) of the *Immigration Amendment Act, 2004* provides that the Minister may, after consultation with the Board, make regulations relating to the steps to be taken to prevent the entry of illegal foreign nationals into the RSA and to facilitate the tracing and identification of illegal foreign nationals in, and their removal from, the RSA. In addition to the discussion, Section 5(a) and (b) of the *Immigration Amendment Act, 2004* aver that the Board shall advise the Minister in respect of the contents of regulations made in terms of the Act and the creation of policy relating to immigration matters.

Secondly, Section 27(a)(i) of the *Immigration Amendment Act, 2004* provides that the Director-General may issue a permanent residence permit to a foreigner who is of good and sound character who has received an offer for permanent employment, provided that such foreigner submitted a certification from a chartered accountant acting on behalf of such foreigner's prospective permanent employer and has proven to the satisfaction of the Director-General that the position exists and that the position and related job description was advertised in the prescribed form and no suitably qualified citizen or permanent resident was available to fill it. Which means that the *Immigration Amendment Act, 2004* clearly specifies to whom the permanent residence permit application must be sent to as it specifies a Director-General instead of department and such application must be proven to the satisfaction of the Director-General.

Considering the above, Kok and Aliber (2005:46) are of the opinion that because of many of the strict provisions of the *Immigration Act, 2002* many migrants try to apply for asylum status. The *Refugee Act, 1998* provides that no one who has applied for refugee status may be removed until their applications have been considered. The harsh penalties on the employment and sheltering of illegal foreign nationals provided in the *Immigration Act, 2002* may have slowed down the influx of illegal foreign nationals. Mkwanzani (2017:38) is of the opinion that the *Immigration Act, 2002* criminalises undocumented migrants, making it possible to arrest, detain and deport illegal foreign nationals. Mokoelé (2015:27), however, argues that the intention of the *Immigration Amended Act, 2004* is to attract skilled people and investors to RSA to improve the economy of the country. Anegub (2018:31) agrees that the *Refugees Act, 1998*, the *Refugees Amendment Act, 2017*, the *Immigration Act, 2002* and the *Immigration Amendment Act, 2004* has attracted a lot of

criticism over the years, as too restrictive and disadvantageous to refugees and migrants. Mokoete (2018:27) argues that although the Immigration Act, 2002 and the *Immigration Amendment Act, 2004* made provisions related to illegal foreign nationals (undocumented migrants) South Africa has failed to come up with a policy that adequately addresses the problem of illegal foreign nationals in the RSA. Dithebe (2018:15) avers that the immigration policies of South Africa have changed from time to time and the government lacks the ability to implement policies on immigration in an effective manner, which permits illegal foreign nationals to enter RSA without any valid documentation. The continued influx of illegal foreign nationals creates more challenges within the South African policy framework, and it could threaten national interest. Considering the above, one could argue that South Africa has failed to effectively implement the Immigration Act or the *Border Management Act, 2020* or to come up with a policy which sufficiently addresses the problem of illegal foreign nationals in RSA.

### **2.3.9. The Green Paper on International Migration, 2016 and the White Paper on International Migration, 2017**

According to Anegub (2018:35), the Minister of DHA launched the Green Paper on International Migration in 2016 to regulate the influx of migration and exclude the option of integrating refugees and asylum seekers in RSA. The Green Paper on International Migration, 2016 proposes a right-based migration framework which focuses on an inclusive approach to regional migration with the aim to address irregular immigration through increased means for legal participation in the economy (Johnson, 2015:209).

Following the Green Paper on International Migration, 2016, the White Paper on International Migration was released in July 2017. The White Paper on International Migration (2017:iii) provides major policy changes including admissions and departures, management of international migrants with skills and capital, management of ties with South African expatriates, management of international migration within the African context; management of asylum seekers and refugees, management of the integration process for international migrant and management of enforcement. The main objective of the White Paper on International Migration (2017:67) is to reduce irregular migration and improve the compliance and enforcement with immigration and related legislation.

Considering the above, the DHA, Annual Report 2017-2018 (2019:12) states that the White Paper on International Migration for South Africa, 2017 provides a shift from a compliance-based approach to managing international migration strategically in the interest of RSA, the region and Africa. In addition, the White Paper on International Migration 2017 provides in Section 4, of Chapter 14 for migration by stating that the policy and strategic intervention for the management of enforcement in migration must be a prioritised investigations and case flow management from judicial system as to minimise the delays in finalising cases on the court rolls, and further that there must be application of uniform norms and standards for the judiciary.

Section 4(1)(a) to (d) in Chapter 11 of the White Paper on International Migration, 2017 makes provision for the elimination of visa requirements for African citizens in a secure manner. Whereby African citizens should enter RSA visa-free, and visas should only be required on overstaying and deportation of foreign nationals, security risks are also based on organised crime, terrorism, political instability, civil registration risks based on documents frequently obtained fraudulently, countries unable or unwilling to identify their nationals when requested and on countries with a high number of nationals who abuse the asylum system.

Considering the above one could argue that the White Paper on International Migration, 2017 recommends policy and strategic interventions relating to, amongst others, admissions and departures, the management of residency and naturalisation, the management of international migrants with skills and capital, management of asylum seekers and refugees, management of integration processes for international migrants and management of enforcement. The effective implementation of the policy interventions to reduce irregular migration and to improve enforcement and compliance of the Immigration Act, 2002 and related legislation remains a concern due to the continued influx of illegal foreign nationals into RSA.

## **2.4 AN OVERVIEW OF MIGRATION AND TRENDS OF INFLUX OF ILLEGAL FOREIGN NATIONALS INTO THE REPUBLIC OF SOUTH AFRICA**

The governance of international migration, which involves cross-border movement of neighbouring and non-adjointing countries in Africa and from other countries, is a widespread phenomenon within the Southern African context. Segatti in Segatti and Landau (2011:9) is of the opinion that since 1990, South Africa has become the new migration hub, drawing hundreds of thousands of new migrants from Central, East and West African countries, as well as from Bangladesh, China, Eastern Europe and Pakistan. Kituyi (2018:59) agrees that South Africa is a major destination for irregular migrants in Africa. Many foreign nationals from war torn and politically unstable countries in Africa seeking a better life and better living conditions have made it past South African borders, as undocumented immigrants also known as illegal foreign nationals.

According to Mokoele (2012:12), the number of foreign nationals living in South Africa is debatable as Statistics South Africa (Stats SA) contains the official figures on legal border crossings, while no record is available of persons crossing the borders illegally. Simelane (1999:6) states that there is no information about all the categories of international migration which result in unavailability of the information about the numbers of illegal foreign nationals and refugees. Bohlmann (2012:3) maintains that there is no confirmed data available for initial estimates of illegal foreign national numbers but the number of illegal workers in South Africa has been conservatively estimated at upward of 2 million, or 10 per cent of the total labour force. Campbell (2006:5) adds to the discussion by stating that 22% of the adult populations from countries such as Mozambique and Zimbabwe could get into and stay in South Africa without fear of being apprehended by the police and the current estimation of illegal immigrants in South Africa range from 2.5 million. Bohlmann (2012:51) further avers to other countries that contribute to the irregular migrants in South Africa such as Ethiopia with an estimated number of approximately 45,000 to 50,000 Ethiopians living in South Africa, with this number recently growing due to the influx of new arrivals. It is also estimated that 95 percent or more of these Ethiopian arrivals in South Africa are irregular migrants.

Mthembu-Salter, Amit, Gould and Landau (2014:6) point out that the estimation of the size of South Africa's illegal foreign national population is between 3 and 6 million, whereby 75,000 individuals in the 2012/13 fiscal year were deported. South Africa is confronted with the challenge of a high level of irregular migrants coming from neighbouring countries such as Mozambique, Zimbabwe and Lesotho which made up 88 per cent of the deportations (Section 2 Chapter 5 of Department of Home Affairs White Paper on International Migration 2017). Araoye (2015:13) maintains that the country's Human Sciences Research Council once estimated that there are 4 to 8 million illegal foreign nationals in South Africa. Stats SA estimates show that there are between 500,000 to 1 million foreign nationals in RSA. It is also estimated that there are between 1 and 1.5 million legal and illegal Zimbabwean immigrants in South Africa (Araoye, 2015:13). Thus, there is no reliable information available about the numbers of illegal foreign nationals in RSA.

Dassah (2017:267) argues that illegal migration affects economic growth in that illegal foreign nationals are involved in criminal activities such as armed robbery, drug trafficking and money laundering. Dassah (2017:267) further points out that during 1996, a total of 152 migrants were involved in commercial crime valued at R518 million, which represented 19.6% of commercial crimes at the time, illegal telegraphic fund transfers and selling of counterfeit identity documents to other migrants. Carciotto and Mavura (2016:10) add to the discussion by stating that the illegal foreigners have been involved in criminal activities that results in weakening the state and its institutions by corrupting officials for fraudulently acquiring documents and undeserved rights and tarnishing the image locally and abroad. According to Landau and Gindrey (2008:18), the continued influx of illegal foreign nationals into RSA Africa causes the police to spend too much time chasing foreigners rather than fighting crime which largely contributes to wasted efforts. Dassah (2017:257) adds to the discussion by pointing out that no reliable data exist about the number of illegal foreign nationals who migrant into RSA, most of whom are believed to be from Mozambique, Zimbabwe and Lesotho and they tend to work in the construction, commercial farming and informal trading sectors. During 2009, South Africa reached a bi-lateral agreement with neighbouring countries, which allows citizens of these countries a free visa to enter South Africa for short periods of time, although not for work purposes. The DHA implemented the Dispensation of Zimbabwe Project (DZP) in April 2009. According to Mkwanzani (2017:38) the Immigration Act, 2002 criminalises

illegal foreign nationals (undocumented migrants), making it possible to arrest, detain and deport illegal foreign nationals. The DZP was intended for Zimbabweans who had been using fraudulent South African identity documents and to regularise the stay of undocumented Zimbabweans. The DZP offered the undocumented Zimbabweans a free four-year work and study permit with relaxed requirements, including submission of applications without fingerprints and issuing of permits free of charge (Mkwanzani, 2017:42). The reasons for migrating to South Africa are outlined below.

## **2.5 REASONS FOR MIGRATING TO SOUTH AFRICA**

According to McDonald (2000:826) and Ngomane (2010:17), people often move from their countries of origin to another country because of disadvantages, also known as push factors, such as poor living conditions, poverty, hardship, drought, turmoil, rising cost of goods and necessities. On the other hand, there are advantages known as pull factors including employment opportunities, higher wages, political stability, better social conditions, access to consumer goods and services that attract or pull people to migrate to another country. The discussion below was based on reasons for migrating to South Africa, such as economic, social-cultural, political, environmental and labour factors.

### **2.5.1 Economic Factors**

Mokoele (2012:18) avers that most migrants in 1996 were motivated by economic aspirations and considerations. Economic variables play a role in the movement of people from Southern African countries such as Mozambique, Lesotho, Angola and Zimbabwe, to countries such as Namibia, Botswana, and South Africa. Anegub (2018:20-21) agrees that economic factors can be seen as a push factor contributing to migration. When economies collapse, as seen in many African countries, there is a scarcity of jobs and employment opportunities, and this contributes to the influx of documented and undocumented (illegal foreign nationals) migrants into RSA.

Rasool, Botha and Bisschoff (2012:13) are of the opinion that economic instability becomes one of the contributing reasons as many skilled workers are leaving the country of origin due to the state of the economy where their savings are eroded due to the high inflation rates and continuous fluctuations in the currency that creates a considerable

degree of uncertainty in that country. Piesse (2014:1) mentions that economic push factors are caused by the economic disparity between developing and developed economies that encourages the movement of skilled labour from the former to the latter. Dinbabo and Nyasulu (2015:34) and Piesse (2014:3) state that economic push factors are caused by remittances and achieving an uninterrupted flow of household income.

In light of the above, Rasool *et al.* (2012:13-14) further point out that economic pull factors are made through recruitment agencies and globalisation where high quality skilled workers are recruited and contribute to overcoming the brain drain in the country. This attracts many skilled workers through lucrative salary packages and increases the mobility of skilled individuals as an attractive force because international standards are applicable to certain professions. In addition to the discussion, Landau and Segatti (2009:28) state the effects of the ‘brain drain’ that exists in South Africa and which demands to be addressed through recruiting intermediate or highly skilled professionals from highly unstable countries. These include Zairian/Congolese doctors or mine engineers, or Zimbabwean teachers who found employment in the former homelands in the mid-1990s and the globalised African elites such as academics, bankers, consultants, journalists who moved for economic growth even though downgrading their skills when coming to RSA. Dassah (2017:267) states that in February 2006 the DHA identified ‘scarce and critical skills’ essential for South Africa’s economic growth. This has led to the need for semi to highly qualified and skilled African migrants such as doctors, engineers and other professionals to migrate to RSA to fill vacancies created by emigration of South Africans to Europe, North America, Australia and New Zealand. This would pay a positive contribution to the South African economy.

Landau and Segatti (2009:24) state that in 2003-2004, South Africa acknowledged a deficit of 57,574 nurses, with 200 leaving the country every month due to ‘brain drain’, leading to the efforts to recruit the skills needed to grow the South African economy. To gain more understanding on the discussion, Dassah (2017:269-270) maintains that 15.5% of the public sector is made up of African doctors and pharmacists, with a small portion serving in rural areas as the South African economy has been negatively affected by ‘brain drain’ or the skills flight. Professional health personnel are moving to Europe, the United States of America and Australia, and many South African health personnel have moved from rural areas and poor provinces to urban areas and well-resourced provinces. In addition to

the discussion, Dassah (2017:267) discusses the statistics of foreign nationals who contribute to the higher education sector by citing that in 2009 South Africa had 383 (2.35%) European and 76 (0.47%) Asian immigrant instruction/research professionals employed in universities whereby Zimbabwe and Lesotho accounted for 268 (1.64%) and 26 (0.16%) instruction/research professionals, respectively. The rest of Africa contributed 324 (1.99%) to the South African economy in this field. Therefore, economic push factors can be seen as one of the main reasons for international migration. With economic conditions not favourable and at risk of declining further, a greater number of individuals could emigrate to countries with better economies.

### **2.5.2 Political Factors**

Mokoele (2012:19) and Anegub (2018:28) point out that political factors such as government policies, administrative practices, political instability, and turmoil resulting from political rivalry, ethnic strife and socio-economic inequities encourage people to migrate from one country or region to another. In Southern Africa, political instability and civic strife in Angola, Mozambique and Zimbabwe has displaced thousands of people. De Haas (2011:14) states that non-democratic states also tend to curtail the freedoms of people to migrate, either through blocking exits or by creating bureaucratic obstacles such as excessive costs to acquire passports. Kok, Gelderblom and Qucho (2014:63) state that political push factors are caused by failure of some countries to deal effectively with political instability and their citizens being left with no option but to leave for other more tolerant societies. In addition to the discussion, Kok *et al.* (2014: 172) continues to argue that some migrants from Zimbabwe mentioned political tension and marginalisation of minority ethnic groups as factors encouraging their migration to RSA. Thus, political push factors such as political instability, amongst others, can be seen as encouraging people from African countries to migrate to the RSA.

### **2.5.3 Environmental Factors**

Affi (2011:99-100) defines environmental migrants as those persons or groups of persons who, for compelling reasons of sudden or progressive changes in the environment that adversely affects their lives or living conditions, are obliged to leave their habitual homes, or choose to do so, either temporarily or permanently, and who move either within their

country or abroad. Mokoale (2012:17) is of the opinion that environmental push factors as caused by destruction of arable and grazing land, droughts, floods, forest fires, volcanic eruption, earthquakes, hurricanes and landslides, amongst others, contribute to major movements of populations. Afifi (2011:100) maintains that people who are affected by and fleeing from environmental problems are known by a few terms, namely environmental migrants, environmentally displaced persons, environmentally induced population movements, environmentally induced migrants, environmental emergency migrants, environmentally forced migrants, environmentally motivated migrants, eco-migrants, ecological refugees, climate migrants, climate refugees and immigrants. Kok *et al.* (2014: 63-64) agree that the environmental push factor is caused by environmental conditions such as drought, famine and floods that have forced large numbers of people to move, either as refugees or clandestinely, across common borders into the RSA.

#### **2.5.4 Social-Cultural Factors**

Dinbabo and Nyasulu (2015:44) are of the opinion that socio-cultural push factors such as higher standards of living, lower costs of living, a stable economy, an attractive investment climate and better state funding of social services such as health and education encourage people to migrate to the South Africa. Rasool *et al.* (2012: 12-13) maintain that socio-cultural factors such as poor education levels, social insecurities, religious harassment, and presence of relatives in the receiving countries as well as high crime rates are the main reasons why many skilled workers are migrating to countries that are safer for their children and families. Rasool *et al.* (2012 :13) continue to argue that the social pull factors are caused by the family ties whereby many skilled workers are attracted to countries where there is a family link. In addition to the discussion, Crush, Williams and Peberdy (2005:5) agree that social network pull factors are caused by cross-border social interaction whereby the members of the same family or lineage live on opposite sides of the border. Ngomane (2010:14) further states that a social network is a set of interpersonal ties that connect migrants, former migrants, non-migrants in origin and destination areas through ties of kinship, friendship and shared community of origin. Mokoale (2012:140) confirms that political, economic and social discrimination push people to migrate to other countries, the mass movements out of Bosniai, Burundi, Rwanda, and the movement of Serbs and Croats out of the former Yugoslavia are testimony of this. Considering the above one could argue that socio-cultural push factors such as religious harassment,

presence of family members in receiving countries, high crime rates and poor education levels, to name a few, contribute to people migrating to the RSA.

### **2.5.5 Labour Factors**

According to Kok *et al.* (2014:39) labour push factors occurred during the apartheid government whereby employers preferred a temporary, oscillatory migrant system rather than a permanent indigenous labour force to minimise labour costs and welfare expenses. On the gold mines there was use made of a few skilled workers and many unskilled African labourers to save costs. Rasool *et al.* (2012:13) point out that labour push factors that have caused reasons for migration from South Africa come from affirmative action and employment equity with many skilled workers belonging to the minority race groups being by-passed when company promotions become available. This has pushed many skilled workers out of the country as many white South Africans have left to live in easier or perceived better more equitable labour environments. Dinbabo and Nyasulu (2015:34) state that labour push factors arise from the dual labour market states that international migration is determined by ‘push’ (supply) and ‘pull’ (demand) factors in migrant sending and receiving countries respectively. Demand pressures generated in primary sectors of labour markets of more developed countries stimulate the supply of international labour migration from less developed countries.

## **2.6 EFFECT OF MIGRATION AND ILLEGAL FOREIGN NATIONALS ON SERVICE DELIVERY IN SOUTH AFRICAN CITIES AND TOWNS**

According to Kok and Aliber (2005:47), migration does have considerable potential benefits, for both the migrants themselves as well as for the areas of origin and the area of destination. There are also potential costs for the destination country such as disruption of labour markets, the displacement of local workers, disruption of social protection systems and effects on public service providers (Kok and Aliber, 2005:6). Segatti and Landau (2011:86) maintain that migration contributes to competition for employment, business ownership and housing. In contrast, Pezzini and Tomei (2018:33) maintain that immigrant workers appear to be well-integrated into the labour market, demonstrate high employment rates, and may also generate additional employment opportunities for native-born workers. Kalitanyi and Visser (2010:387-388) maintain that African immigrant entrepreneurs create

jobs for unemployed South Africans. In addition to the above, the DHA Annual Report of 2017/2018 (2018:97) states that migration has a positive contribution on the economy of South Africa through the issuing of multiple-entry visas to foreigners so as to attract global foreign business and create tourism interest.

The presence, however, of a large number of illegal foreign nationals has compounded serious challenges in the provision of basic service delivery, health services, employment, and housing opportunities to South African citizens (Bongo, 2019:3-5). The discussion below focusses on the effect of migration and illegal foreign nationals on service delivery in South African cities and towns.

### **2.6.1.1 Service Delivery**

According to Dassah (2017:266), the influx of illegal foreign nationals increases costs on social spending by exerting pressure on expenditure for social services such as education, health and housing facilities and other services provided by municipalities. In this regard, Landua, Segatti and Misago in Segatti and Landau (2011:84) aver that most municipalities are poorly equipped to address the demands of migrants including the influx of illegal foreign nationals. Many of the social- and economic concerns associated with migration and the movements of people are not explicitly dealt with by municipalities. As such, the primary needs of migrants, such as shelter, access to health care, education, employee opportunities, and administrative justice, safety, security and proper treatment are formally the responsibility of national and provincial governments. Therefore, many municipal officials are of the opinion that migration movement is not a local government mandate.

Another concern is the involvement of migrants in civic affairs or local affairs. This becomes a problem as they see cities as transit sites and may not want to be included in their social or political structures. In this regard, Segatti and Landau (2011:91-92) aver that there is a tendency of exclusion of migrants from public consultations as they are not regularly invited to partake in community policing forums, stakeholder forums, residents' associations meetings, or meetings hosted by local ward councillors which leads to a lack of social cohesion action between local government and migrants.

The lack of data on migration of which illegal foreign nationals cannot be excluded, affects municipalities in several ways. The incomplete and inconsistent data available on migration are often used as a basis for planning, budgeting and other municipal functions. Another concern is that the Integrated Development of Plans (IDP) of municipalities reveal little mainstreaming of the population dynamics into development planning processes. In addition, data from Stats SA, which is the most used source of data, is often used by national and provincial government and by municipalities to draw population information for planning, budgeting and programmes. A further consideration is that national and provincial governments determine the financial support allocated to municipalities through the local government equitable share. If the data on migration is not correct, it will impact on the financial resources transferred to local governments (Landau *et al.* in Segatti and Landau, 2011:85).

Kok and Aliber (2005:47-48) are of the opinion that migration places an additional strain on infrastructure and service delivery. The cost-of-service delivery tends to be much higher in rural areas than in cities. Bongo (2019:1-2) states that the influx of illegal foreign nationals in the City of Johannesburg, the City of Ekurhuleni and other surrounding towns has added to overpopulation in these areas and increased the demand for unplanned service delivery. Landau *et al.* in Segatti and Landau (2011:85) agree that the migration and movement of people affects the quality-of-service delivery, as municipalities are caught unaware of the population movements of which the influx of illegal foreign nationals cannot be excluded. This creates permanent service delivery backlogs that impose a budgetary burden and undermine performance targets. According to Bongo (2019:1-2), in the City of Johannesburg illegal foreign nationals compound serious challenges in the provision of basic service delivery and temporary housing to residents. Bongo (2019:1-2) further points out that most of the informal settlements in the City of Johannesburg, the City of Ekurhuleni and surrounding towns have a significant number of illegal foreign nationals which contributes to the challenges of informal settlements. The continued influx of illegal foreigners further increases the need for additional free services for environmental and waste management. The spreading of informal settlements has increased the rate of illegal dumping of waste, which affects the residents and impacts on the delivering of services. The growth in informal settlements has increased the demand for free services and the cost incurred by metropolitan and local municipalities. It has also increased the rate of illegal electricity supplies to informal settlements. Thus, the migration

and movement of people, including the influx of illegal foreign nationals, places an additional burden on municipalities to deliver services and imposes a budgetary burden on municipalities.

Considering the above, Bongo (2019:6) provides specific recommendations made after a meeting with the DHA, members of the South African Local Government Association (SALGA) and the Department of Cooperative Governance and Traditional Affairs (CoGTA) committees meeting in Parliament on 22 October 2019 to strengthen cooperation between the various stakeholders to address the challenges of migration and in particular the continued influx of illegal foreign nationals into the RSA. Bongo (2019:6) reports that most municipalities in the country do not have the resources to implement appropriate strategies, plans and development programmes to provide services to residents and to the ever-increasing demand of informal settlements. Furthermore, most municipalities do not have access to reliable data to effectively plan for development and to ensure effective service delivery of services to residences. Therefore, national provincial and local spheres must focus on the following aspects to address the challenges posed by large numbers of illegal foreign nationals in the metropolitan areas such as the City of Johannesburg and the City of Ekurhuleni. These are also applicable to other metropolitan municipalities, district municipalities and local municipalities in the country. Firstly, government must ensure the effective and consequential border management and control of the country borders. Secondly, improve the relations between the three spheres of government to better the delivery of public and municipal services. Thirdly, enhance inter-governmental relations strategies to support metropolitan and local municipalities to deliver on its mandate. Fourthly, regulate and enforce the participation of foreign nationals in the formal sector of the South African economy. Fifthly, broaden the localised law enforcement forum to include all stakeholders, including BMA, DHA, the South African Police Service (SAPS), Customs, Immigration, and other role players. Sixthly, the DHA must review the Immigration Act, 2002 to address the abuse of waiver provisions. The utilisation and integration of the cities' municipal courts as immigration courts in terms of the *Immigration Act, 2002* must be investigated. Lastly, an intergovernmental relations programme must be implemented by the metropolitan municipalities and local municipalities in cooperation with the DHA to correct the status of illegal foreign nationals in conjunction with the relevant embassies and to enforce the *Immigration Act, 2002*. The above strategies should further be implemented by all metropolitan and local

municipalities in the country to improve the delivery of municipal services. Most municipalities do not have up to date by-laws aligned to the *Constitution*, 1996 and relevant legislation to address the current challenges posed by the continued influx of illegal immigration. It is also recommended that SALGA, together with its partners, develop a model policy and by-laws that every municipality can use to develop implementable by-laws to promote and regulate the economy in their communities (Bongo, 2019:2-6).

### **2.6.1.2 Health Services**

According to Mokoele (2012:20), illegal foreign nationals have a negative impact on the development of South African communities in terms of health services as migrants could bring into the country diseases with epidemic potential. Segatti and Landau (2011:126) state that globally, governments often blame migrants for introducing and spreading disease. Segatti and Landau (2011:101) further provide that international migrants continue to be portrayed as disease carriers who place burdens on the public health systems of destination countries. Ngomane (2010:12-13) highlights that the current extent of illegal foreign nationals contributes to high infection rates of diseases such as cholera, yellow fever, HIV/Aids, and other subtropical diseases in the country. Mokoele (2012:20) in addition discusses HIV/Aids as one South Africa's biggest socio-economic challenges which in turn has a negative impact on the economy of the country, as HIV/Aids is mostly contracted by economically active people between the age of 25 to 45 years. The HIV/Aids epidemic affects workplaces with prolonged staff illness, absenteeism, and even death, impacting on productivity, employee benefits, occupational health and safety, production costs and workplace morale.

According to Mputing (2018:1-2), the impact of migration on Gauteng's healthcare system is a concern. In 2018 there were 1 673 foreign nationals' babies delivered at the Charlotte Maxeke Academic Hospital. Most of the foreign nationals who give birth at the hospital are undocumented, which led to new-born babies not being registered and unable to apply for birth certificates at the DHA. In addition, most of the illegal foreign nationals are unable to pay for services rendered by the hospital which resulted in an outstanding bill of R237 million in that year alone. In the financial year 2017/2018 in the Charlotte Maxeke Academic Hospital, R1 billion had to be written off from the hospital books due to

unsettled debt. Bongo (2019:6) also confirms that those illegal foreign nationals put a strain on health systems. Health expenditure by the City of Johannesburg on foreign nationals could not be reclaimed from the concerned countries. Dassah (2017:266) agrees that the undocumented migration increases costs on social spending by exerting pressure on expenditure for social services such as education, health, and housing facilities. Thus, illegal foreign nationals increased the burden on the provision of South African health services. The World Health Organisation (2016:2) stated the reason for the influx of illegal foreign nationals in South African health facilities with specific reference to Lesotho is as a result of public health challenges, with low exposure of essential public health services and weak public health institutions.

### **2.6.1.3 Employment**

Ngomane (2010:22) is of the opinion that illegal foreign nationals, such as Zimbabweans in Polokwane Municipality in the Limpopo Province, are directly improving informal and formal businesses through involving themselves in businesses such as hair salons, supermarkets, crafts, taxis and upholstery. Furthermore, they bring new skills, capital and competitive resources which creates jobs for South Africans. Landau and Segatti (2009:40) state that the illegal migration contribution in RSA is that many of these illegal foreign nationals are without the right to work but with the skills and willingness to accept positions paying below the minimum wage and to work in inhumane conditions. Those with employment rights report being turned away by employers who do not recognise their papers or their specialised qualifications as they cannot afford to have their qualifications recognised by the South African Qualifications Agency (SAQA). This leaves them with minimal choices in how to generate income. The increasingly high rate of unemployment in South Africa due to Covid-19 and other socio-economic challenges further raises a concern about the effect of the continued influx of illegal foreign nationals on local communities and local governments.

Hanson (2007:19) points out that the continued influx of illegal foreign nationals leads to high economic costs by lowering domestic wages and raising expenditures on public services such as health care and education whereby they use public services by sending their kids to public schools, requiring fire and police protection, driving on roads and

highways, and receiving public assistance, with many families having large numbers of children which costs the state even more.

Bohlmann (2012:8) points out that the rate of employment of illegal foreign nationals in South Africa has increased from 1.760 million in 2007 to 2.343 million in 2020 which shows an increase of 33.1 percent. Bohlmann (2012:13) further states that the reduction in illegal immigration would reduce unemployment rates of lower skilled local workers in South Africa. The employment of illegal foreign nationals in South Africa can be reduced through the quick implementation of Section 13(2) and Section 14 (1) of the *Border Management Authority Act, 2020*, which states that the filling of any post, whether by appointment, promotion or transfer, must be done in accordance with the Constitution, 1996 and Labour Relations Act, 2005. Landau and Segatti (2009:40) aver to other challenges faced by illegal foreign nationals in RSA emanating from the existing patterns of exclusion in private sector industries where foreigners are unable to access even the most basic banking services as the current banking legislation prevents anyone except permanent residents and citizens from opening bank accounts. While Landau and Segatti (2011:101) and Kalitanyi and Visser (2010:382) point out that unfair banking laws that migrants face causes them to have no access to finance and credit as they lack identity. This has demanded creativity in entrepreneurship from migrants, often starting businesses out of nothing. There are many activities that affect illegal migration in South Africa and results in affecting their creativity and innovation for economic growth.

Considering the above, Bongo (2019:3-4) argues that the populations of the cities of Ekurhuleni, Johannesburg and Tshwane have grown rapidly due to migration and the continued influx of illegal foreign nationals. These cities are faced with complex socio-economic challenges, including high unemployment rates, poverty and inequalities. An increase in hawkers has also negatively impacted on the capacity of cities to enforce by-laws, brought an increase in illegal mining and many other socio-economic challenges. One could argue that the presence of a large number of illegal foreign nationals compounded serious challenges in the provision of basic service delivery, health services, employment opportunities and housing opportunities to South African citizens.

#### **2.6.1.4 Housing**

According to Mokoele (2012:23), illegal foreign nationals have a negative impact on the development of communities in terms of the provision of housing. Most of the illegal foreign nationals arriving in SA are destitute, jobless and homeless. Illegal foreign nationals do not have access to housing because they do not have identity documents. Illegal foreign nationals do, however, often get access to RSA identity documents from corrupt South African government officials as well as access to Reconstruction and Development Programme (RDP) housing earmarked for South African citizens.

Mokoele (2012:23) is further of the opinion that the government policies related to housing for non-citizens is unclear. The legislative frameworks, policy documents, and international agreements are often inconsistent or even contradict one another when defining who is entitled to housing. The continued influx of illegal foreign nationals also contributes to the establishment of unlawful informal settlements and squatter camps across the country. It is estimated that eighty percent of illegal foreign nationals are residing in informal settlements and squatter camps. Bongo (2018:3) confirms that the City of Johannesburg has an estimated housing backlog of 300 000 units. Furthermore, illegal foreign nationals' compound serious challenges in the provision of basic services and temporary emergency accommodation in the case of evictions or natural disasters. The control measures to manage the influx of foreign nationals in South Africa are outlined in the next section.

### **2.7 CONTROL MEASURES TO MANAGE INFLUX OF FOREIGN NATIONALS IN SOUTH AFRICA**

According to Dithebe (2018:30), most African countries are facing challenges of managing their borders to secure their territorial integrity and sovereignty. South Africa is one of the countries with a well-developed infrastructure that makes the country an attractive destination for foreign nationals including illegal foreign nationals. The White Paper on International Migration for South Africa (2017:35) states that during 2016, the country recorded 31,5 million movements of citizens and foreign nationals across the country's borders. Dithebe (2018:30) continues to argue that illegal foreign nationals are using illicit means such as border jumping to gain access to the country, over-stayers after

they have received admission to be inside the country, smuggling of drugs and human trafficking and becoming involved in various criminal activities while they are in the country. The above criminal activities are a threat to the socio-economic stability and sovereignty of the country and therefore demands close monitoring such as effective and efficient control measures and influx control of foreign nationals into the RSA.

Section 3(1) (a) and (b) of the *Immigration Act, 2002* authorises officers to enter workplaces and inspect employment records and enter for inspection to any place open to the public. In terms of Section 3(2) and (3) of the *Immigration Act, 2002* the DHA, and the Director General (DG) powers and functions shall be exercised and performed through the direction given by the Minister. The Immigration Advisory Board is responsible for immigration control. Section 5(a) to (e) of the *Immigration Act, 2002* provides that the Immigration Advisory Board must give advice to the Minister in respect of the content of regulations, the formulation and implementation of immigration policy, and the reviewing of a decision of the DHA.

The establishment of the *Border Management Authority Act, 2020* makes provision for the establishment of the BMA to achieve an integrated border law enforcement within the border law enforcement areas and at ports of entry and to promote cooperation and coordination of border management matters. The following control measures to control the influx of foreign nationals in South Africa, such as admission and departure, permanent and temporary residence, deportation, and detention of illegal foreigners are outlined below.

### **2.7.1 Admission and Departure**

Admission and departure allow for the exercise of freedom of movement, whereby people are allowed to go in and out of the country through the port of entry for various reasons. Section 21(1)(2) and (3) on Chapter 2 of the *Constitution, 1996* provides that everyone has the right to freedom of movement, the right to leave the RSA and every citizen has the right to enter, to remain in and to reside anywhere in the RSA. When the admission and departure process takes place, people are expected to comply with certain lawful requirements. Section 21(4) of the *Constitution, 1996* states that every citizen has the right to a passport. According to Burgess (2003:20) there are various grounds that lead to the

inadmissibility of the immigrants, and they become illegal when they are denied admission under those grounds. These are grounds related to health, crimes, security, economic, immigration act violation, documentation, and ineligibility for citizenship.

Section 29(11)(a) to (e) of the *Immigration Act, 2002* provides that there are foreigners who do not qualify for a temporary or permanent residency and must be listed as a prohibited person. A prohibited person are those foreigners who are infected with infectious diseases as prescribed from time to time, or anyone against whom a warrant is outstanding or a conviction has been secured in the RSA or a foreign country with which the RSA has regular diplomatic relations in respect of genocide, terrorism, murder, torture, drug trafficking, money laundering or kidnapping, anyone previously deported and not rehabilitated by the DHA, a member of or adherent to an association or organisation advocating the practice of racial hatred or social violence and anyone who is or has been a member of or adherent to an organisation or association utilising crime or terrorism to pursue its ends. Section 30(1)(a) to (g) of the *Immigration Act, 2002* further provides that a foreigner may be declared an undesirable person, identified as such by the Minister after consultation with the Immigration Advisory Board, who has been judicially declared incompetent, rehabilitated insolvent, anyone who has been ordered to depart in terms of this Act, fugitive from justice and has a previous criminal conviction without the option of a fine for conduct which would be an offence in the Republic with the exclusion of certain prescribed offences.

Section 9(2) to 3(a)(b) of the *Immigration Act, 2002* avers to the discussion by stating that the control of admission and departure in the port of entry is exercised through the citizen or resident who has a responsibility to identify himself or herself in the prescribed manner. The immigration officer must record the residents' entrance and also allow the person to leave the RSA through producing their passport or the certificate issued by the DHA upon application in lieu thereof. This is the legal way of exercising admission and departure and authorises freedom of movement. Section 9(4) of the *Immigration Act, 2002* provides that a foreigner has a responsibility to produce a passport that is valid for not less than 30 days after the expiry of the intended stay when entering the RSA in the port of entry or a valid temporary residence visa.

## 2.7.2 Permanent and Temporary Residence Visas

Section 25(1) to (4) of the *Immigration Act, 2002* states that permanent residence is a foreigner who has all the rights, privileges, duties and obligations of a citizen, save for those rights, privileges, duties and obligations which a law or the *Constitution, 1996* explicitly ascribes to citizenship. A permanent residence permit can be issued on condition that the holder is not a prohibited person. The DHA are also allowed to attach reasonable individual terms and conditions to a permanent residence permit. Temporary residence visas are amongst the control measures that are responsible to control the influx of admission and departures in the country. According to Section 10(1) to (6) of the *Immigration Act, 2002* temporary residence is the permit that is responsible for the admission of a foreigner to enter and sojourn in the RSA. A temporary residence permit may be issued to a foreigner and will protect the holder to become a prohibited or undesirable person since the reasonable individual terms and conditions to a temporary residence may be attached. It can also make provision for a foreigner to change their status whilst in the RSA. Temporary residence visa requirements are reasonable in preventing the negative impact of foreign nationals in socio-economic environments as they require full information about a foreigner. *Immigration Act, 2002* states that the yellow fever vaccination and radiology reports are requirements for adults but not for children under the age of 12 years and pregnant women when applying for a long-term temporary residence visa. They make sense in a manner that they are preventing the unreasonable occurrence of transmittable diseases in hospitals. The *Immigration Act, 2002* further states that a police clearance certificate for anyone over 18 years that reflects all the countries where the applicant has resided for a period of twelve months or longer is a requirement, an unabridged birth certificate, proof of custody or adoption and consent from the parents in cases that involves the minor. Without meeting the requirements, the intended stay becomes illegal.

Though permanent residence permits can be issued to migrants, for the proper management and controlling of migrants in South Africa, they can also be withdrawn for the justifiable reasons. Section 28(a) to (c) of the *Immigration Act, 2002* states that the DHA may withdraw a permanent residence permit if its holder has been convicted of any of the schedule one offences within four years of the issuance of such permit, has been convicted three times of any schedule one and two offences and has been absent from the

RSA for more than three years without known or valid reasons. Section 29(1) and 20(1) states that permanent and temporary residence permits are not issued to prohibited and undesirable foreigners, which also contributes to managing migration in South Africa. In terms of Section 24(2) of the *Immigration Act*, 2002 the DHA may issue a transit visa allowing a foreigner travelling to a foreign country to use the transit facilities at a port of entry.

### **2.7.3 Deportation and Detention of Illegal Foreigners**

Deportation and detention are one of the control measures responsible in controlling the influx of foreign nationals in the RSA and involves the enforcement of compliance in the form of detentions and deportations. When a foreigner is illegal in the country, the DHA is responsible to arrest, detain and deport such illegal foreigner, even though there are challenges within the deportation process when it is executed. Most deportations include repeat offenders from neighbouring countries as there are no biometric systems to detect and identify repeat offenders (White Paper on International Migration for South Africa, 2017:67).

In terms of Section 34(1) of the *Immigration Act*, 2002 the Minister of the DHA may determine any place as a holding facility for undocumented or illegal foreigners who have a pending deportation or transfer to Lindela Holding Facility for purposes of deportation. Hiropoulos (2017:7) states that prior to transfer for deportation to Lindela Holding Facility detention facility, the illegal foreign nationals are detained at police stations throughout the country. In the Eastern Cape Province, for example, there are 56 police stations which are designated as places of detention. To this study, it should be noted that the Sterkspruit and Barkly East police stations in Senqu Local Municipality are amongst the determined holding facilities for undocumented or illegal foreign nationals for pending deportation. The minimum designated number of police stations in the Senqu Local Municipality in the Eastern Cape Province has a negative impact on the socio-economic environment as the immigration officers are expected to drive to the few select police stations identified as responsible for detention of illegal immigrants. The Immigration Directive number 17 of 2019 states the increased number of police stations which are designated as places of detention, which resulted in four police stations, namely Sterkspruit, Barkly East, Lady Grey and Palmietfontein in the Senqu Local Municipality area (Hiropoulos, 2017:7).

The enforcement of compliance on the deportation and detention of illegal foreigners can become irregular and unsustainable due to various reasons. In this regard, the White Paper on International Migration for South Africa (2017:67) states one of the reasons as that the deportation and detention of illegal foreigners requires a substantial amount of funding from the country. Hiropoulos (2017:7-8) avers to reasons such as illegal sentencing and unlawful detention periods whereby the undocumented migrants at Lindela Holding Facilities are detained for more than 120 calendar days which directly contravenes the Immigration Act, 2002. Further issues include failing to give detainees access to representation as the detainee's rights are rarely explained to them in a language they understand as no interpretation services are made available to them. Hiropoulos (2017:17) concurs that the DHA is responsible to ensure that detainees are made aware of provisions in a language they clearly understand. The persistent occurrence of arrest and detention of unaccompanied minors at police stations that are classified as places of detention as well as at Lindela Holding Facilities is an additional problem. Lester (2014:101-156) maintains that detainees may be transferred from one place of detention to another or removed or released from the facility by giving them enough time to inform their family and legal advisers. In addition, Lester (2014:101) adds to the discussion that the act of torture and ill-treatment, such as sexual abuse or deprivation of food, sleep or communication are absolutely prohibited. Lester (2014:138) continues to argue that the DHA must ensure that there are adequate bathing and shower facilities at detention facilities.

According to Hiropoulos (2017:9-11), other actions that constitute illegal detention of illegal foreign nationals include *inter alia* the detention of asylum seekers, corruption and bribery since there have been persistent allegations of corruption, bribery and unnecessary and disproportionate use of force levelled against Bosasa security officials in Lindela Holding Facilities. Hiropoulos (2017:9-11) further avers to allegations of neglect of personal hygiene for detainees at Lindela Holding Facilities whereby there are unhygienic blankets and mattresses that lead to widespread contagious skin infections and reports of some detainees enduring periods of up to four months without brushing their teeth. Inadequate screening upon admission at Lindela Holding Facilities also exists and insufficient staff capacity at the clinic, which can lead to outbreaks of diarrheal and other diseases. Finally, there is overcrowding that exists that compromises cleanliness and access to water and food.

## 2.8 FUNCTION OF ENFORCEMENT AND MONITORING OF ILLEGAL FOREIGN NATIONALS AS A CONTROL MEASURE

According to Tati (2008:3), there must be policy measures in place to regulate irregular migration so as to prevent the employment of irregular migrants. This includes the detection of fraudulent use of documents, surveillance of smuggling routes, monitoring of national borders, deportation of irregular migrants and employer sanctions through the introduction of the heavy costs as penalties. Bernstein (2011:9) argues that the introduction of the heavy costs as penalties will not prevent foreigners from overstaying. According to Bendile, (2017:1), South Africa must tighten its immigration policies to protect its borders as this scenario has currently led to the inability of South Africa to estimate the number of illegal foreign nationals as there are many with no legal documents. It was accentuated in Section 2.3.7 of this chapter that the promulgation of the *Border Management Authority Act, 2020* strives to achieve a more an integrated border law enforcement approach within the border law enforcement areas and at ports of entry to encourage cooperation and coordination of border management affairs. However, the Border Management Authority Project Management Office (2020:16) state that the border law enforcement government departments and agencies are currently working in silos in RSA in conducting intelligence and risk management. Though there is integration of services by the various departments working in the borders, some do not want to form part of such integration. The Border Management Authority Project Management Office (2020:2) stated that SARS would not be part of the BMA which was the amicable agreement reached by the Ministry of Home Affairs and the Ministry of Finance.

Section 34(1)(a) to (e) of the *Immigration Act, 2002* provides that without a warrant, an immigration officer may arrest an illegal foreigner or cause him or her to be arrested, detained and deported in a manner and at the place under the control or administration of the DHA determined by the Director General. There is, however, the challenge that the DHA do not have repatriation facilities in the provinces, and this leads the department to rely on the infrastructure of other law enforcement agencies (White Paper on International Migration for South Africa, 2017:67).

Section 35(2)(a) of the *Constitution*, 1996 provides that everyone who is detained, including every sentenced prisoner, has the right to be informed promptly of the reason for being detained and of their rights in a language that he or she understands. Such illegal foreigner must be notified in writing of the decision for deportation confirmed by warrant of a Court and be notified about the right to appeal such decision in terms of this Act.

The White Paper on International Migration for South Africa (2017:67) states that there is a lack of uniform application of the Immigration Act, 2002 in court. This leads to the human rights organisations and legal practitioners abusing loopholes in the system to secure the release of illegal immigrants. Such detention might be negatively affected, as provided in the White Paper on International Migration for South Africa (2017:67) that there are no return agreements with neighbouring countries. This results in a lack of cooperation with neighbouring countries and with the deportation process, as well as identification of nationals and issuing of travel documents. Section 33(2) of the *Constitution*, 1996 further provides that everyone whose rights have been adversely affected by administrative action has the right to be given written reasons of such deportation decisions. In the discussion below the port of entry is outlined.

### **2.8.1 Port of Entry**

In terms of Section 36(1) to (3) of the *Immigration Act*, 2002 the DHA shall control the port entry and exit of people in the borders though the assistance of other organs of State such as the South African Revenue Service (SARS), Department of Safety and Security, South African Defence Force (SADF) and Department of Finance for the control of movement of people or goods across borders. Section 9(I) of the *Immigration Act*, 2002 states that no person shall enter the RSA at a place other than a port of entry. However, in terms of the *Border Management Authority Act*, 2020 the border law enforcement functions within the border law enforcement area at ports of entry must be performed exclusively by officers of the BMA. The DHA Annual Report of 2017- 2018 (2018:98) states that there are three types or kinds of ports of entry, namely international air, sea and land ports of entry, with the responsibility to prevent illegal migration and ensure that people move in and out of RSA. There are 72 different types of ports of entry and they managed to record 42,5 million movements of migrants which 11 million are citizens and 31.5 million are foreign nationals.

According to Masualle (2014:1), most ports of entry are not legally used by people for crossing, with specific reference to Telle Bridge in Senqu Local Municipality Sterkspruit (See Appendix D). Houston, Mati, Seabe, Peires, Webb, Dumisa, Sausi, Mbenga, Manson and Pophiwa (2014:275) accentuate that the Telle Bridge was used as a route into and out of RSA and known as an area in which returning cadres clash with security forces. Seghetti (2014:32) accentuates the discussion by stating that a port of entry is a place where admissions are controlled and becomes the core element of state sovereignty whereby such control aims to prevent unlawful entries and facilitate legal flows through the policy goals that are inherently in tension and made as efforts to identify and interdict illegal entrance. In light of the above, Harris (2001:42) maintains that illegal foreign nationals often buy permits from corrupt border officials at ports of entry. This still remains a challenge in South Africa. Considering the above the effective functioning of the BMA established in terms of the Border Management Authority Act, 2020 managing the borders at ports of entry remains a challenge due to the continued influx of illegal foreign nationals into RSA and into Senqu Local Municipal area.

### **2.8.2 Border Control**

According to Dithebe (2018:30), a study was conducted in 1996 by the United States Immigration and Naturalisation Services to assess and make recommendations about South African border control. The study found that there was a lack of uniformity of national standards and that border control was not sufficient. The study found that in particular the border control at smaller ports of entry was not sufficient. The ports of entry were poorly designed and did not encourage effective border control. The study further found that the duties of various role players were not clear nor effective. It was recommended that South Africa create a unified command structure that will ensure effective border control. The DHA must learn from other countries such as Canada, the United States of America and the European Union to manage the borders of RSA in an effective manner. The Border Management Authority Project Management Office (2020:15-16) stated that the Canada Border Services Agency have a college which is a learning institution responsible to prepare the border service officers with the necessary skills to perform enforcement activities with confidence through providing on-going training. Furthermore, Canada established the National Targeting Centre with 275

employees which are responsible for all border law enforcement functional areas with a strong link to intelligence services. The United States of America's was also recognised. The Border Management Authority Project Management Office (2020:18) stated that the United States of America have established the National Targeting Centre with Customs and Border Protection that enables the functioning of a risk-based layered approach to supply the chain security that is built on workforce excellence based on skills, aptitude, attitude, advanced technology, information, intelligence and making strong and meaningful partnerships. Furthermore, the Border Management Authority Project Management Office (2020:18) stated that the European Union execute border management using dimensions that are responsible for situational awareness and monitoring of the information, supplying the intelligence needs for operational teams, driving of the operational response, assessing the member states vulnerabilities and to support decision-making processes that are related to border management and security.

The promulgation of the *Border Management Authority Act, 2020* made provision for the establishment of the Border Management Authority (BMA), with the intention to achieve an integrated border law enforcement at ports of entry and to promote cooperation and coordination of border management matters. In addition to the study on proper border management, the Border Management Authority Project Management Office (2020:17) stated that the National Targeting Centre will be used to provide early warning to the BMA frontline at ports of entry so as to detect suspected high-risk people, goods and conveyances. It will utilise the Fourth Industrial Revolution technologies, specialised skills and global partnerships to identify illegal activities before they occur at the border. Moreover, the Border Management Authority Project Management Office (2020:15) aver that BMA officials responsible for the border control functions and ports of entry must receive proper training to fulfil their border control functions effectively

The White Paper on International Migration for South Africa (2017:35) provides that the DHA fulfil a key role in the border management environment due to its mandate of regulating and facilitating the movement of persons through ports of entry by issuing passports and visas to citizens and foreign nationals respectively. Other role players in the border environment are the South African National Defence Force (SANDF), which has the primary responsibility for securing the borderline; SARS, which regulates the movement of goods and money; the South African Police Service (SAPS) which combats

crime, Departments of Transport, Health and Agriculture, Forestry and Fisheries which regulate entry and exit according to their respective mandates (The White Paper on International Migration for South Africa, 2017:35). Dithebe (2018:13) argues that although the roles of the various stakeholders are provided in the *Immigration Act, 2002* there is still a challenge in managing border control in South Africa to regulate and promote legal migration of people and goods into RSA. Considering the above, the White Paper on International Migration for South Africa (2017:35) states that South Africa has a very fragmented border management approach which compromised the integrity of the borders with long and porous land and maritime borders. The fragmented border management approach affects the socio-economic environment in the country, due to the continued influx of illegal foreigners into the RSA. The promulgation of the *Border Management Authority Act, 2020* aims to implement a more integrated border law enforcement at ports of entry. The Act further requires that the BMA must conclude implementation protocols with the mandated role players such as the SADF and SAPS for the mandatory cooperation of their respective functions within the border law enforcement area and at ports of entry. Considering the above the effective implementation of the *Border Management Authority Act, 2020* should contribute to proper border management to reduce the influx of illegal foreign nationals into the RSA.

### **2.8.3 Projects with Special Dispensations**

The DHA in being responsible to control the influx of migrants and to prevent the influx of illegal foreigners can allow projects with special dispensations. Section 53(2)(i) and (ii) of the *Immigration Act, 2002* states that the DHA may waive the permit requirements as to submit a new application and authorise a permit to be renewed in terms of the previous Act. The DHA executed the projects with special dispensations as a control measure to prevent and manage the influx of illegal foreigners from the neighbouring countries such as Lesotho and Zimbabwe.

#### **2.8.3.1 Lesotho Special Dispensations**

According to Morapela (2016:1), the Lesotho Special Dispensation (LSP) are the control measures for Lesotho immigrants who have entered South Africa before September 2015

as they were allowed to apply for a Lesotho Special Visa for working, studying or running businesses in South Africa which was valid for four-years and administered through their original identity card, passport, letter of employment, proof of study and a police clearance. Chaha (2016:1) adds that the other requirement that was a key for applying for the permit was that residents from Lesotho were expected to surrender the South African documents that they had obtained fraudulently to the designated DHA office, whereby they were offered an amnesty letter that was valid until 31 December 2016 from selected offices to accept the documents.

Chaha (2016:1) further discusses the LSP joint project between the RSA and Lesotho governments with the aim to legalise their stay in the RSA which resulted in the opening of 11 LSP Application Centres in the RSA to provide assistance to residents of Lesotho for validating their residency in the country. The Sterkspruit Department of Home Affairs Office in Senqu Local Municipality was amongst those centres. In addition to the discussion, Qoza (2019:2) states that Minister Aaron Motsoaledi opened the application process for new Lesotho Exemption Permits with some of the new conditions starting on 18 November 2019. These are such that the applications be opened for only valid LSP permit-holders and does not entitle the holder the right to apply for permanent residence irrespective of the period of stay in the RSA. Zulu (2020:1) adds that the RSA has taken measures to deal with immigration issues during the lockdown period by extending the validity of the Lesotho Special Permits which expired on 31 December 2019 to remain valid until 15 June 2020. However, no new applications were allowed to be made.

### **2.8.3.2 Zimbabweans Special Dispensations**

According to Moyo and Zanker (2020:12), Zimbabweans were given three dispensation programmes in various years so as to regularise their stay in South Africa. The first one from 20 September 2010 to 31 December 2014 was known as the Documentation of Zimbabweans Project (ZDP), followed by the Zimbabweans Special Permit (ZSP) which ran from the 1 January 2015 to 31 December 2017 and finally the Zimbabwean Exemption Permit (ZEP) which started on 1 January 2018 and has not yet been renewed. Chirume (2021:1) adds by stating that about 180,000 Zimbabweans who have ZEPs are living in uncertainty because the South African government has not yet indicated whether their permits will be renewed or not.

The conditions of the permit were similar to those of the Lesotho Special Project. Moyo and Zanker (2020:12) explain that the ZDP applicants were given amnesty for their irregular entry into South Africa, those who had fraudulently obtained South African identity documents were allowed to surrender them without consequence, and finally they could apply for work, study and business permits. In addition to the discussion, the Department of Home Affairs Annual Report of 2017-2018 (2018:98) stated that the Zimbabwean exemption permit allowed the Zimbabweans who already have the Zimbabwean special permit to apply for the Zimbabwean exemption permit that was valid for four years. This ran from 17 October 2017 and ended on 31 October 2018 whereby 180 188 Zimbabweans successfully applied for the permit.

## **2.9 LAW ENFORCEMENT MECHANISMS AND OTHER ROLE PLAYERS TO REGULATE THE INFLUX OF LEGAL AND ILLEGAL FOREIGN NATIONALS**

The law enforcement mechanisms to regulate the influx of foreign nationals and illegal foreign nationals depends on the various law enforcement mechanisms and role players that are expected to execute their responsibilities in a manner where human dignity is respected and protected. The following law enforcement role players, namely the South African Police Service (SAPS), Department of Home Affairs (DHA), South African Defence Force (SADF), Department of Justice and Constitutional Development, Department of Social Development, South African Revenue Services (SARS) are outlined below. The *Border Management Authority Act, 2020* provides in its preamble that the Act recognises that border management is exercised by multiple organs of state with the purpose of securing the borders of the RSA and protecting national interest. The Act further acknowledges in the preamble the circumstances of modern travel and trade that requires a single authority, namely the BMA, to be responsible for the port of entry and the control of the borders of the RSA. The Act further acknowledges the constitutional responsibility of the SANDF to defend and protect the RSA, its territorial integrity, and its people. In terms of Section 27(5)(a) of the *Border Management Authority Act, 2020* the BMA must within six months after the commencement of this section of the Act, conclude implementation protocols with the SADF, SAPS and SARS for the mandatory cooperation of their respective functions within the border law enforcement area and at ports of entry.

Section 27(5)(b) of the Act provides that if the implementation protocols are not concluded the Minister and the Cabinet member responsible for Defence, Police and Finance must determine the relevant implementation protocols and it must be coordinated by the Inter-Ministerial Consultative Committee.

### **2.9.1 South African Police Service**

The South African Police Service (SAPS) is South Africa's principal law enforcement body responsible to prevent, combat and investigate crime, maintain public order, protect and secure the inhabitants of South Africa and their property, uphold and enforce the law, create a safe and secure environment for all people in the RSA, investigate any crimes that threaten the safety and security of any community and finally ensure offenders are brought to justice and participate in efforts to address the root causes of crime (Police, Defence and Intelligence, 2015:330).

Section 13(6) of *South African Police Service Act*, (Act 68 of 1995) authorises any SAPS member to search any person without warrant where it is reasonably necessary for the purposes of control over the illegal movement of people or goods across the borders of the RSA, premises, vehicles, vessel or aircraft, or any receptacle of whatever nature, at any place in the RSA within 10 kilometres or any reasonable distance from any border between the RSA, any foreign state and inside the RSA and can seize anything found in the possession of a person or premises or places such as vehicle, vessel, aircraft or receptacle and which may lawfully be seized. In terms of Section 2(2)(i) and (ii) of the Immigration Act, 2002 the DHA can liaise with the SAPS to ensure that the identity of people who are arrested, detained, or convicted is checked and educate or instruct law-enforcing agencies to detect illegal foreigners and report to DHA. The SAPS is responsible for the control of the legal and illegal cross-border movement of all persons and goods at all ports of entry in South Africa (Police, Defence and Intelligence, 2015:336).

According to Hiropoulos (2017:17), a 2008 Western Cape High Court ruling states that SAPS officers should render all reasonable assistance to persons facing deportation to allow them to retrieve personal belongings, keep accurate records and make a copy of the sworn statement that should be presented to the DHA holding facility, Lindela. When the SAPS makes an arrest for the illegal crossing of the border, they must be sensitive of

Section 12(1)(b)(d) and (e) of the *Constitution*, 1996 which provides that everyone has the right not to be detained without trial, not to be tortured in any way and not to be treated or punished in a cruel, inhuman, or degrading way.

## 2.9.2 Department of Home Affairs

The White Paper on International Migration (2017:35) provides that the DHA fulfil a key role in the border management environment due to its mandate of regulating and facilitating the movement of persons through ports of entry by issuing passports, permits and visas to citizens and foreign nationals respectively. Machavanda (2016:11) avers that the DHA is responsible for several services to citizens and foreigners who work, live and enter the RSA. In terms of Section 2(1)(b)(i) to (m) of the *Immigration Act*, 2002 the DHA shall pursue facilitating and simplifying the issuance of permanent and temporal residences to those who are entitled to them, administering refugee protection and related legislation, and administering citizenship by naturalisation. These roles are fulfilled by the DHA through the employment of immigration officers who will execute duties for the proper control of migrants and illegal foreign nationals in South Africa. According to Section 33(3) of the *Immigration Act*, 2002 the Minister shall appoint the inspectorate who will investigate any matter falling within the scope of the Act. The inspectorate investigates legal and illegal foreign nationals.

According to the *Immigration Act*, 2002 Section 2(2)(e)(i) and (ii) the management and control of illegal foreigners needs to be managed by the DHA through enforcing the law with assistance from other stakeholders such as the SAPS to ensure that the identity of people who are arrested, detained or convicted is checked for purposes of the *Immigration Act*, 2002. The DHA must also educate and instruct law-enforcing agencies to detect illegal foreigners and report them to the DHA. Moreover, the *Immigration Act*, 2002 Section 2(1)(b) provides that the role of the DHA is to manage and control migrants using authorised officers to facilitate and simplify the issuance of permanent and temporal residences to those who are entitled to them and concentrating resources and efforts in enforcing the Act at community level whilst discouraging illegal foreigners.

In terms of Section 3(1) and (f) of the *Immigration Act*, 2002 it is within the power of the DHA authorised officers to request anyone in the RSA, who is reasonably suspected of

being an illegal foreigner, to provide identification through producing the permit that gives authorisation to be in the RSA. Authorised officers must also organise and participate in community fora and other community-based organisation to deter xenophobia and involve the citizenry through educating the citizens on migration issues. According to *Immigration Act, 2002* Section 2(1)(g) for the proper management and control of illegal foreigners in South Africa, the DHA is mandated with the objectives and functions of immigration control within the RSA by encouraging illegal foreigners to depart voluntarily. Section 49(1)(a) of the *Immigration Act, 2002* maintains that anyone who enters or remains in the RSA in contravention of this Act shall be guilty of an offence and liable on conviction to a fine or to imprisonment not exceeding three months. In addition, the *Immigration Act, 2002* Section 50(1) states that any foreigner who leaves the RSA after the expiry of his or her permit shall be liable to an administrative fine of a prescribed amount not exceeding R3000,00 which fine shall be imposed by the DHA on detection of the overstay and exacted when such foreigner is admitted or makes an application with the DHA. In addition to the discussion, the *Immigration Act, 2002* Section 50(2) further maintains that anyone who through negligence produces an incorrect certification shall be liable to an administrative fine of a prescribed amount not exceeding R8000, which shall be imposed by the DHA. From the above, it is clear that the DHA plays a key role of regulating and facilitating the movement of persons through ports of entry by issuing passports, permits and visas to citizens and foreign nationals respectively.

### **2.9.3 South African Defence Force**

In terms of the White Paper on International Migration for South Africa (2017:35) the South African National Defence Force (SANDF) has the primary responsibility of securing the borderline of the RSA. According to the *Defence Act, 2002* the SANDF is responsible to provide for the defence of the RSA. One of the responsibilities of the SANDF is the national border control. Section 18(1)/(d) of the *Defence Act, 2002* provides that the President or Minister may authorise the employment of the SANDF for service inside the RSA or international waters to effect national border control. In terms of Section 20(9)(a) to (c) of the *Defence Act, 2002* a member of the SANDF employed to effect national border control has the power to request anyone in the RSA who is reasonably suspected of being an illegal foreigner to identify himself or herself as a citizen or resident or to produce a permit to be in the RSA and also apprehend, question or arrest an illegal

foreigner without a need for a warrant in order to be dealt with in terms of the Act. Furthermore, they can seize or retain any firearm or other dangerous weapon that is in possession or control of an illegal foreigner without a need for a warrant.

It was mentioned in Section 2.9 of this chapter that in terms of Section 27(5)(a) of the *Border Management Authority Act, 2020* the BMA must conclude implementation protocols with the SADF, SAPS, and SARS for the mandatory cooperation of their respective functions within the border law enforcement area and at ports of entry to strengthen cooperation and coordination of the borders and port of entries.

#### **2.9.4 Department of Justice and Constitutional Development**

The Department of Justice and Constitutional Development has the role and responsibility of managing legal and illegal foreigners and their actions by having the Immigration court in their magisterial districts. Section 37(1) of the *Immigration Act, 2002* provides that every magistrate's court is also an Immigration Court and shall have power and jurisdiction on any matter arising from the application of this Act, reviewing the decisions of the Department of Justice and Constitutional Development and any legal proceedings against the Department and to any matter concerning status. In terms of Section 37(2) of the *Immigration Act, 2002* any legal proceedings arising from the application of the Act shall be dealt with as soon as reasonably possible and the courts must ensure that such proceedings are finalised without any unavoidable delay.

For the management of legal and illegal foreigners within the RSA, Hiropoulos (2017:18) avers that the Department of Justice and Constitutional Development should ensure that interpreters are provided to detainees for the vigilant judicial oversight of cases concerning minors and immigration detention. This guarantees that legal prescripts are uniformly applied to the undocumented migrants and reviewed for taking corrective action on the basis of combating racism, racial discrimination, xenophobia and other related intolerances.

Alimohammadi and Muller (2019:813) states that the proper management on eviction of illegal foreign nationals in RSA starts by firstly considering the protection generally afforded to unlawful occupiers who are undocumented foreigners and if the lawful owner

or person in charge of land institutes proceedings for the eviction of an unlawful occupier. The court has to serve written and effective notice of the proceedings to the unlawful occupier and the municipality having jurisdiction within 14 days prior to the hearing of the proceedings. If the court is satisfied that service cannot conveniently be effected in the manner provided by the rules of the court, then service must be carried out in the manner directed by the court provided that the court considers the rights of the unlawful occupier to receive adequate notice and to defend the matter. Alimohammadi and Muller (2019:815) further states that the court must provide the evictees that are illegal foreign nationals with temporary emergency accommodation whereby some reasonable and conditions of entitlement, such as regularising their stay within a certain period, may be set by the courts.

### **2.9.5 Department of Social Development**

Another key role player to ensure law enforcement on foreign nationals is the Department of Social Development (DSD). The *Children's Act* (Act 38 of 2005) provides that children have certain rights as indicated in the Constitution, 1996 concerning the care and protection of children. The *Children's Act, 2005* makes further provision relating to the children's court and the issuing of contribution orders, provision for the adoption of children and provision for inter-country adoption.

The Department of Social Development Annual Report 2016/2017 (2017:59) states that the proper management of legal and illegal foreign nationals relies on the DSD to ensure the safe returning of unaccompanied migrant children who were apprehended and found to be undocumented, to their country of origin. Hiropoulos (2017:18) states that the DSD must work with the DHA and SAPS to develop and implement child-friendly mechanisms to curb the detention of unaccompanied minors and develop a memorandum of understanding to regulate a working relationship to provide detainees awaiting deportation with access to social workers.

### **2.9.6 South African Revenue Services**

In terms of Section 2(2)(d) of the *Immigration Act, 2002* there are other important organs of state that assist in management of illegal actions of foreign nationals. The South African

Revenue Service (SARS) has the responsibility to identify people who contravene the provisions of the laws administered by the Commissioner. The DHA liaises with SARS to ensure that the identity of people who contravene the provisions of the laws administered by the Commissioner or SARS is revealed. Section 36(2) of the *Immigration Act, 2002* avers to the discussion by stating that the monitoring of entries and exists in the RSA can be assisted through the delegation received from SARS. The *South African Revenue Services Act (Act 34 of 1997)* states that SARS is responsible to make provision for the efficient and effective administration of the revenue collecting system of the RSA and to establish an Advisory Board to provide for incidental matters. Within SARS there is a division known as Customs that executes the *Customs and Exercise Act (Act 91 of 1964)*. This division is responsible to provide for the levy of customs and exercise duties, surcharge for the fuel levy, the prohibition and control of imports and exports and the manufacture of certain goods and for matters incidental thereto. Section 6(1)(a) to (h) of the *Customs and Exercise Act, 1964* states the powers and places that a Commissioner may appointment the places of entry, authorised roads and routes. Section 6(1)(b) of the *Customs and Exercise Act, 1964* states that a Commissioner may appoint or prescribe the road or route, including railways, by which a person may enter or leave the RSA. This ensures the proper management of illegal foreigners and their actions. Section 15(2) of the *Customs and Exercise Act, 1964* states that, in cases where the person is detected or suspected to attempt to import, export or remove goods illegally via land or ship as to evade the payment of goods, the controller has the responsibility to detain such person in a police station or other suitable place until such person can be taken before the magistrate court. In light of this, it was mentioned in Section 2.9 of this chapter that with the establishment of the *Border Management Authority Act, 2020*, SARS would not be part of the BMA which was the amicable agreement that was reached by the Ministry of DHA and the Ministry of Finance.

## **2.10 SUMMARY**

This chapter dealt with the theoretical overview of the management of migration and illegal foreign nationals. This was carried out through a brief outline on the international convention protocols and the national regulatory and legislative framework on migration and illegal foreign nationals. An overview of migration and trends of influx of illegal foreign nationals into the RSA was provided followed by a discussion on the reasons for

migrating to the RSA. Emphasis was placed on economic, social cultural, political factors, environmental factors, and labour factors, followed by a discussion about the effect of migration and illegal foreign nationals on service delivery in South African cities and towns. The control measures to control the influx of foreign nationals in South Africa such as admission and departure, temporary residence visas, permanent residence visas and the deportation and detention of illegal foreigners were outlined in this chapter. Finally, the function of enforcement and monitoring of illegal foreigners as a control measure were also discussed in this chapter, such as port of entry, port control and projects with special dispensations.

The chapter emphasised that effective implementation of policy interventions to reduce irregular migration and to improve enforcement and compliance of the *Immigration Act, 2002* and related legislation which remains a concern due to the continued influx of illegal foreign nationals into RSA. The introduction of the White Paper on International Migration for South Africa, 2017 provides a move from a fragmented compliance-based approach to a more strategic approach to manage international migration into the RSA, the region and Africa. It was accentuated in this chapter that the objective of the *Border Management Authority Act, 2020* is to achieve a more integrated border law enforcement approach within the border law enforcement areas and at ports of entry to encourage effective cooperation and coordination of border management matters. From the discussion in this chapter, it may be inferred that the continued influx of illegal foreign nationals creates greater challenges within the South African policy framework, and this can threaten national interest. It was also accentuated that South Africa has failed to come up with a policy which sufficiently addresses the problem of illegal foreign nationals in the RSA.

A concern was raised on the incomplete and inconsistent data available on migration and the number of illegal foreign nationals living in South Africa. This data affects planning, budgeting, and other municipal functions and if incorrect has a negative impact on a community. The chapter emphasised that illegal foreign nationals place an additional burden on municipalities to deliver services and impose a budgetary burden on municipalities. It was further accentuated that the presence of a large number of illegal foreign nationals has a negative effect on South African cities and a town's ability to provide effective basic service delivery, health care services, employment opportunities,

housing and education opportunities to South African citizens. Lastly, the chapter further emphasised that the border law enforcement government departments and agencies are working in silos and a fragmented border management approach is followed, which results in the continued influx of illegal foreign nationals into the RSA. In addition it was argued that the promulgation of the *Border Management Authority Act, 2020* can be seen as a more integrated and effective approach to management of border law enforcement and ports of entry through this single authority. In the next chapter, as part of the literature study, the socio-economic development of local communities is discussed.

## **CHAPTER THREE: THEORETICAL OVERVIEW: LOCAL COMMUNITIES' SOCIO-ECONOMIC DEVELOPMENT AND PERCEIVED EFFECT OF ILLEGAL FOREIGN NATIONALS ON SOCIO-ECONOMIC CONDITIONS IN SENQU LOCAL MUNICIPALITY**

### **ON SOCIO-ECONOMIC CONDITIONS IN SENQU LOCAL MUNICIPALITY**

#### **3.1 INTRODUCTION**

Prior to the first democratic elections in 1994 in South Africa, racially based development and segregation excluded the majority of South Africans from profound input in the economy. Subsequently, the lack of socio-economic opportunities because of a segregated socio-economic structure not only excluded the majority but imposed underdevelopment on the majority of South Africans. Since 1994, the *Constitution*, 1996 and successive legislation such as the *Local Government: Municipal Structures Act*, 1998 (Act 117 of 1998) (hereafter referred to as the *Municipal Structures Act*, 1998 and the *MSA*, 2000) emphasised the developmental role of local government to improve the socio-economic circumstances of all South Africans. The notion of developmental local government means that local government is assigned to maximise the impact of social and economic development of local communities.

The chapter commences with an overview of national legislative framework and policies for developmental local government and economic development of local communities, followed by a discussion about the relationship between community development, socio-economic and local economic development (LED) and an overview of socio-economic development of local communities in South Africa. The existing socio-economic and local LED structures in Senqu Local Municipality, employment and job creation as part of the Senqu Local Municipality led strategy are discussed, followed by the current challenges socio-economic development and the perceived impact of influx of illegal foreign nationals on selected socio-economic conditions with specific reference to the Municipality.

### 3.2 RELATIONSHIP BETWEEN COMMUNITY DEVELOPMENT, SOCIO-ECONOMIC AND LOCAL ECONOMIC DEVELOPMENT

A good starting point is to differentiate between the concepts of community development, socio-economic development and LED. The *White Paper for Social Welfare* (1997:93) defines community development as an intervention to implement development programmes to improve the lives of local communities. In addition, the social, economic and cultural dimensions of local communities need to be considered since they fulfil a critical role in the holistic development of communities, including for women. Litwiński (2017:451) maintains that socio-economic development is a process of quantitative, qualitative, and structural changes within social and economic practice so as to satisfy needs associated with the consumption of goods and services. Chojnicki (2010:8-9) avers that socio-economic development refers to a series of changes determined by development processes.

According to the *Local Government Handbook of South Africa* (2012:12), LED seeks to encourage communities to work collectively to achieve sustainable economic growth and development by promoting economic benefits and improved quality of life for all communities within a municipal area. The *National Framework for Local Economic Development in South Africa* (2006:5) and Yatta (2015:7) states that the LED aims to boost local economies, promote job creation and income generation and improve governance and municipal performance. In addition to the discussion, Patterson (2008:12) states that the LED provides financial, technical, and institutional support to national government and with their partners to empower local and district municipalities to start LED processes and take up local or regional economic opportunities. Malemela and Yingi (2016:132) maintain that the LED involves the provision of capital to previously disadvantaged South Africans to enable them to be able to establish new businesses or to grow existing businesses through grants and incentive programmes.

According to the *Senqu Local Municipality LED Strategy* (2018:4), LED focusses on the creation of functioning markets to encourage competitive businesses whilst community development focusses on solving social challenges of local communities such as health, housing, education and other social issues. Menon, Hodkinson, Galal, Reckford and Charles (2019:5) state that through LED, government can guarantee bonds for providing

cost-effective, long-term finance to community-based organisations to develop and manage affordable housing for community members. Malemela and Yingi (2016:134) point out that the relationship between community development and LED becomes prominent when LED became one of the most important mechanisms of reaching out to local economies. main aim is in creating jobs and poverty alleviation by making the local economy grow by starting more businesses and factories in municipal areas so as to solve the community socio-and economic problems. However, Taaibosch (2015:49) argues that in terms of the *WPLG* (1998:42) municipalities are not directly responsible for job creation. In this regard, Phutiagae and Van der Waldt in Van der Waldt *et al.* (2014:144) maintain that municipalities are not directly responsible for job creation; however LED can be used to facilitate employment creation, skills development, and the promotion of Small Medium Micro Enterprises (SMME's).

According to Cloete *et al.* (2008:36-37), the relationship between community development and LED can be created by the community members through owning spazas or being hawkers, commonage farmers, or shebeen owners to make a living. The local government can provide tax breaks, loans, and subsidies to attract wealthy individuals and companies for economic growth. Nel and McQuaid (2002:5) aver that the LED process can arise when agencies or individuals seize the initiative and engage in actions that unify communities, businesses and other relevant parties in the local area to improve economic and social conditions for community development. Meyer (2014:625) maintains that community development can be achieved through the utilisation of better skills and education, higher standards of health and nutrition, cleaner environments, equal opportunities, individual freedom, and rich cultural lives, leading to poverty reduction achieved through the benefits of LED.

Meyer (2014:625) maintains that LED is the process with which local government or community-based organisations engage to stimulate or maintain business activity and employment as a relationship between community development and LED. Cloete *et al.* (2008:39) adds that the relationship between community development and LED can be promoted in five ways. Firstly, it can be promoted through the products that are made locally and sold to the local community. Secondly, it can be achieved through the collection and processing of local products for export out of the region. Thirdly, it can be achieved through the distribution of products produced outside the region. Fourthly, it

can be achieved through the local processing of non-local inputs for a non-local market, such as enclave industries. Lastly, it can be achieved through the provision of services to non-local people, such as tourism.

The relationship between community development and LED is affected by the consistent failure to engage with communities and to set up meaningful institutions that can allow local communities to participate in their own LED planning (A Review of the Local Community Development Requirements in South Africa's Renewable Procurement Programme, 2015:37). Shava and Thakhathi (2016:368) state that the high prevalence of HIV and AIDS in local communities exerts more pressure and demand on health care and social services as the Department of Social Development (DSD) has to cope first with giving other forms of support to affected people instead of rendering community development projects.

Local Economic Development forms an important part of the municipalities' IDP processes. All municipalities must have an LED strategy and municipalities must plan for LED within the municipalities' IDPs to ensure that economic development of local communities is at the centre of the development agenda. The IDPs of the municipalities can be seen as the most vital strategic plan prepared by a municipality that provides a five-year mayoral term (Van der Waldt in Landsberg and Graham, 2017:169). In terms of Section 25 of the *MSA*, 2000 after the start of its elected term, each municipal council must adopt a single, unique strategic plan for the growth of the municipality which connects, integrates and coordinates plans by taking into account proposals for growth, linking resources and capacity with the execution of the municipalities five-year strategic plan and providing a policy framework and basis for the annual budget. The plan must be aligned with national and provincial development plans and strategies.

### **3.3 OVERVIEW OF REGULATORY AND LEGISLATIVE FRAMEWORK FOR SOCIO-ECONOMIC DEVELOPMENT OF LOCAL COMMUNITIES**

In order to understand the perceived impact of the continued influx of illegal foreign nationals, in particular into the Senqu Local Municipal area selected socio-economic conditions, it is necessary to look at the regulatory and legislative framework for socio-economic development of local communities. The regulatory legislative framework

establishes a basis and scope to improve the socio-economic conditions of local communities of which Senqu Local Municipality cannot be excluded. The *Constitution*, 1996 and other conclusive acts and government policies and strategies demand local government to ensure sustainable provision of services, to promote socio-economic development, to promote a safe and healthy environment, to give priority to the basic needs of communities and to encourage community participation.

### **3.3.1 The *Constitution of the Republic of South Africa, 1996***

The *Constitution*, 1996 not only mandates local government to advance the socio-economic development of local communities but also encourages the involvement of local communities in the affairs of local government. Section 152(1) of the *Constitution*, 1996 outlines the object and developmental mandate of local government, namely to provide accountable and democratic government to local communities, to advance the social and economic development of local communities, to create a safe and healthy environment, to ensure the provision of services to local communities in a sustainable manner, and to encourage the involvement of local communities in the affairs of local government (Van der Waldt and Landsberg in Graham, 2017:165; Taaibosch, 2015:37). Section 153 of the *Constitution*, 1996 provides that a municipality must manage and structure its municipal administration and budgeting processes to prioritise the basic needs of local communities, to promote the social and economic development of these communities, and to ensure that local communities participate in national and provincial development programmes. Thus, all municipalities, of which Senqu Local Municipality cannot be excluded, must give effect to the constitutional requirement to promote socio-economic development of local communities.

### **3.3.2 *Development Facilitation, 1995 (Act 67 of 1995)***

According to Taaibosch (2015:42), the *Development Facilitation Act*, 1995 (Act 37 of 1995) was the first Act to spread the notion of Integrated Development Planning for all municipalities in South Africa. The *Development Facilitation Act*, 1995 further inspired the integration of the social, economic, institutional, and physical facets of development, including land development in urban and rural areas. The main objective of the *Development Facilitation Act*, 1995 is to uphold the delivery of housing development for

poor South Africans. The Act makes it obligatory for all municipalities to give effect to their evolving role by requiring municipalities to compile Integrated Development Plans (IDPs) and to devise land development objectives.

### **3.3.3 The *Local Government: Transition Act (Act 61 of 1995)* and *Local Government: Transition Amendment Act, 1996 (Act 97 of 1996)***

Malefane (2009:159) avers that the *Local Government Transition Act (Act 61 of 1995)* and the *Local Government Transition Amendment Act, 1997* both refer to LED as a municipal strategy for promoting socio-economic development of local communities. The *Government Transition Amendment Act, 1997* requires that all municipalities must structure and manage their administration, budgeting and planning processes to give effect to the constitutional requirements to ensure municipalities promote the socio-economic development of local communities within their areas of jurisdiction. The Act further requires that municipalities must support the implementation of national and provincial development programmes, manage their financial resources to meet and sustain developmental objectives, monitor and assess performance periodically against their IDP's, and that municipalities must report and receive comments annually from their communities pertaining to the objectives of the IDP.

### **3.3.4 The *White Paper on Local Government (WPLG), 1998***

The *WPLG (1998:42)* announced the concept of developmental local government with the aim to increase the economic potential of municipalities. Therefore, municipalities such as the Senqu Local Municipality should strive to enhance the strength of macro economies through increased local economic growth, employment creation and development initiatives within the municipal area (*Local Government Handbook of South Africa, 2012:12*). The *WPLG (1998:46-47)* further requires from municipalities to give effect to developmental local government through their IDP's and budgeting processes.

### **3.3.5 Local Government Municipal Structures Act, 1998 (Act 117 of 1998)**

According to Van der Waldt *et al.* (2014:59-60) the *Local Government Municipal Structures Act, 1998* makes provision for the establishment of the different categories and types of municipalities, the division of powers and regulation of internal structures and systems. In the context of socio-economic development, the *Municipal Structures Act, 1998* provides that local municipalities are expected to uphold the socio-economic development of local communities in their areas of jurisdiction. The *Municipal Structures Act, 1998* further mandates district councils to assist local municipalities under their jurisdiction with their IDP's, development planning, bulk infrastructural development, equitable distribution of resources and capacity challenges (Mniki, 2014:14).

### **3.3.6 Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)**

According to Malefane (2009:159) the *MSA, 2000* designates the task of promoting economic development and participatory mechanisms that promote informed municipal decision-making and strategies. The *MSA, 2000* promotes LED as a strategy to address spatial inequalities created by the previous apartheid regime. Malefane (2009:159-160) and Mosiane (1995:5) state that the *MSA, 2000* gives effect to a municipal development process that involves the mobilisation and development of local resources to address the socio-economic challenges of local communities with the aim to manage the processes of economic restructuring. Subsequently, the *MSA, 2000* considers municipalities as part of the developmental local government mission that must be linked to an overall approach to developmental planning and public investment to improve the socio-economic conditions of local communities.

### **3.3.7 National Framework for Local Economic Development (LED), 2006**

Shava and Thakhathi (2016:364) are of the opinion that the South African government spearheads developmental local government through municipal LEDs. To give effect to the notion of developmental local government, the National Framework for Local Economic Development (LED), 2006 was introduced to support the development of sustainable local economies through integrated government action. According to Mniki

(2014:17), the primary objectives of the National Framework for LED includes the following:

- To focus on a more strategic approach to the development of local economies;
- To support local economies by involving local communities as active participants in the economy of the country;
- To promote the effective functioning of local economies by growing the national economy;
- To devise strategies and actions to promote the national fight against poverty more effectively;
- To improve local societies access to economic support programmes, projects, and information;
- To improve the effective monitoring and coordination of economic development planning and implementation across government and between the spheres of government and other role players including nongovernmental organisations; and
- To improve awareness about the role of regional and local communities as points of investment facilitated by supportive national policies and legislative frameworks.

Considering the above, the Local Government Handbook of South Africa (2012:12) states that LED aims to inspire local communities to work jointly with provincial and local government to achieve sustainable economic growth and development by promoting economic benefits to improve the life of all local communities. Thus, the LED Framework, 2006 stresses that municipalities have a critical role to fulfil and to promote sustainable economic growth.

### **3.3.8 Other National Strategies and Plans to Promote Local Economic Development**

Patterson (2008:9) explains that the national sphere introduced the National Spatial Development Perspective (NSDP) in 2003 with the aim to provide a platform for coordination and effective alignment between the three spheres of government. The NSDP was intended to allow government to make more precise and rational choices

concerning investments and development spending. The aim of the NSDP was to implement spatial priorities to give effect to the constitutional necessities to provide basic services to all and to alleviate poverty and inequality. In line with the principles of the NSDP, the Department of Trade and Industry developed the Regional Industrial Development Strategy (RIDS) of 2006. The purpose of the RIDS is to provide a strategy that addresses the key challenges to the functioning of the economy, primarily through infrastructural intrusions, which will enable all regions to access markets and resources and to attain their full economic potential. The purpose is to provide a strategy that stresses the meaning of working with the private sector and existing institutions, programmes and initiatives in local communities (DTI, RIDS, 2006; Patterson, 2003).

Except for the above the national sphere introduces various strategies and programmes such as the Reconstruction and Development Programme, the Growth and Employment and Redistribution Programme (GEAR), the Accelerated and Shared Growth Initiative for South Africa (AsgiSA), the National Strategy for Sustainable Development (NSSD), the New Growth Path (NGP), the National Development Plan (NDP) and Vision 2030 to provide a significant impetus on the economic development of local communities.

Van der Waldt *et al.* (2014:147) reveal that the Growth, Employment and Redistribution Programme (GEAR) of 1996 was a medium-term plan that was intended to improve growth and create employment opportunities in the country through an export-oriented economy. In response to low economic growth the Presidency announced in 2006 the Accelerated Shared Growth Initiative for South Africa (ASGISA). The main objective of ASGISA was to reduce unemployment and poverty by half in 2014. The plan around ASGISA was initiated to promote economic sector development strategies while still focusing on efforts to include the marginalised poor in the broad economy, and to improve services in all three spheres of government to halve unemployment by 2014. The National Government introduced the New Growth Path (NGP) policy in 2011. The NGP outlined ten policy goals intended to promote investments to encourage economic growth. The NGP was not very popular in that the business sector was not pleased with the proposed economic growth path for South Africa.

The National Planning Commission announced the National Development Plan, Vision 2030 in 2011 and it was launched in 2013 (Van der Waldt *et al.*, 2014:149). The main

aim of the NDP is to eliminate poverty and to reduce inequity by 2030 (NDP, Executive Summary 2012:14). According to the Department of Cooperative Governance (CoGTA), (2018:1) the NDP provides a long-term perspective that focuses on four broad aims, namely to provide overarching goals for what must be achieved by 2030; to build consensus concerning the key challenges in achieving these goals and what needs to be done to overcome them; to provide a long-term strategic framework to achieve the long term goals as provided in the NDP; and it creates a basis for making rational choices about how to best use scarce resources effectively. In the context of local government, the NDP stresses the need to strengthen the ability of local government to fulfil its developmental role well. Therefore, municipalities must ensure that their IDP's are aligned with the critical priorities set out in the NDP, such as spatial planning, infrastructure, and basic services (CoGTA, 2018:1-2). Shava and Thakhathi (2016:363) maintain that the NDP can be seen as a strategic long-term plan intended to alleviate poverty in vulnerable rural communities in the country. Subsequently, community development is one of the priorities of the NDP.

On 21 August 2019, Cabinet adopted the District Management Model developed by CoGTA to improve cooperative governance between the three spheres of government aimed at the development of a capable, ethical developmental state. The District Management Model is an approach by which the three spheres of government and state entities cooperate to promote higher performance, accountability, coherent service delivery and developmental outcomes. The integrated focus is on municipal district and metropolitan municipalities as the impact areas for joint planning, budgeting, and implementation (IUDF, 2020:1-2).

According to Phutiagae and Van der Walddt in Van der Walddt *et al.* (2014:152), there is no single approach to LED that will work in every municipality. Each municipality has a unique set of economic challenges, opportunities and subsequently, each municipality must develop a LED strategy that spearheads LED in its own unique local context.

### **3.3.9 Eastern Cape, Provincial Growth and Development Plan, 2014 to 2030**

According to the Eastern Cape Vision 2030 Provincial Development Plan (2014:68), the Eastern Cape sectoral contribution percentage to GVA in 2010 was 2.4% from the

primary sector, 20% from the secondary sector and 78.2% from the tertiary sector. Moreover, the Eastern Cape Vision 2030 Provincial Development Plan (2014:9-10) added that there are over 500 000 farmers who produced about 10 percent of their household food requirements in homestead gardens in order to promote Local Economic Development. Greater opportunities will arise as part of the land-reform process and to unlock more land for expanded farming, together with growing local capabilities for agricultural production and enterprise. In addition, the Eastern Cape Vision 2030 Provincial Development Plan (2014:9-19) states that agriculture and associated industries are responsible to address land ownership and water issues to enable rapid capital accumulation and development which will focus on irrigation opportunities and value-addition through agro-industrial hubs so as to establish economic efficiency and spatial distribution of regional centres of economic activity. Furthermore, the Eastern Cape Vision 2030 Provincial Development Plan (2014:9-28) accentuates the discussion by stating that so as to promote Local Economic Development, all citizens should have skills based in agriculture and related areas of human activity. The ability to develop these skills for their economic inclusion in agriculture for subsistence and food security through to complex agro-industrial and related enterprises is included in the vision.

With regards to tourism, the Eastern Cape Vision 2030 Provincial Development Plan (2014:19-20) suggests strategies to grow eco-tourism, heritage and sports tourism and to improve access to infrastructure and build stronger local tourism networks. Moreover, the Eastern Cape Vision 2030 Provincial Development Plan (2014:70-80) adds that tourism is targeted to employ 70 000 so as to promote Local Economic Development in tourism with the suggested strategies on tourism using competitive advantages to grow the extent volume and value of eco-tourism, heritage, and sports tourism; improve access to infrastructure and build stronger local tourism networks. The Eastern Cape Vision 2030 Provincial Development Plan (2014:83) maintained that for Local Economic Development contribution, it is estimated that 70 percent of provincial tourism economy is in the coastal zone, and that international tourism spending is 40 percent greater than domestic tourism spending. The Eastern Cape Vision 2030 Provincial Development Plan (2014:27) stated that the enabling partnerships between communities and technical partners should also be explored, assisted by competent public development agencies, which will act as trustworthy mediators to ensure fairness and the safeguarding of common interest. In addition, the Eastern Cape Vision 2030 Provincial Development Plan

(2014:69-76) accentuates the discussion by stating that LED would be achieved through the formation of multi-agency partnership for high potential sectors, comprising local, regional, provincial and national actors from different stakeholder groups such as government, the private sector, communities and academia for creating and implementing the long-term commitments for economic development whereby its stakeholders will be the government, business, unions, and communities for the province to learn from existing multi-agency-partnership arrangements, such as the auto-industry cluster and the National Wool Growers' Association project so as to create more jobs, such as the fruit industry that employs about 40 000 people and the Sunday's River area that created 8 000 jobs. The Eastern Cape Vision 2030 Provincial Development Plan (2014:80) suggests strategies for the Local Economic Development to be achieved through industrial development zones/special economic zones and by creating multi-agency partnerships to drive industrial expansion and diversification. According to Agholor and Obi (2013:91), the Eastern Cape Provincial Government in agriculture is seen to have high potential mainly in raising maize production for contribution in provincial economic growth and development.

According to Baiyegunhia and Fraser (2014:79-85), the growth and development plan was made through sourcing out the credit for smallholder farmers in the Eastern Cape Rural Finance Corporation (ECRFC) with the aim of improving access to credit as to raise the agricultural productivity and increase small holder output and poverty alleviation. Makoni, Meiklejohn and Coetzee (2008:304) add that nine pilot projects are being used to integrate planning and resource allocation for the growth and development of the Eastern Cape Province.

On the other hand, Chisango and Lesame (2014:1555) argue that the growth and development of the Eastern Cape Province could be achieved through advances on the economy which could contribute to better access to the use of Information and Communication Technology in areas of the Eastern Cape. In addition to the above, Thakrar and Minkley (2015:133) state that the Eastern Cape Provincial Growth and Development was vested on the Reconstruction and Development Programme (RDP) and Growth, Employment and Redistribution (GEAR) as a plan that symbolised growth and redistribution. The Eastern Cape Vision 2030 Provincial Development Plan (2014:66) identified five strategic goals for the Eastern Cape Provincial Growth and Development.

The first strategic goal aims to improve economic infrastructure that promote new economic activity within the province. The second strategic goal aims to promote stronger industry and enterprise support. The third strategic goal is to quicken and complete the land-reform process. The fourth strategic goal focuses on the rapid development of high-potential economic sectors and lastly, the rapid economic development of rural areas and all regions of the province. Although the emphasis of the above key principles is more on the Eastern Cape Rural Finance Corporation, pilot projects for economic development and better access to the use of Information and Communication Technology, the Spatial Development Plan of the province emphasises the promotion of tourism attractions and well-resourced agricultural areas of which Senqu Local Municipality cannot be excluded.

### **3.3.10 Joe Gqabi District Municipality Local Economic Development Strategy**

The Local Economic Development Strategy Review 2014-2019 (2014:16-17) states that the Joe Gqabi District Municipality (JGDM), LED strategy focusses on five goals. The first goal is to grow the priority sectors such as agriculture including forestry, agro-processing, trade and tourism. The intention of this goal is to maintain current employment levels in the broader agricultural sector and grow employment in the trade sector such as wholesale, retail, and tourism. The second goal is to improve government capacity through reducing the vacancy rate to all government institutions situated in the JGDM area. The third goal is to stimulate economic growth through government and private sector investment through maintaining the current levels of government investment in the JGDM area. The fourth goal is the environmental sustainability as to promote responsible green energy management and economic spinoffs. Senqu Local Municipality is affiliated to JGDM, and subsequently it must give effect to the Eastern Cape, Provincial Growth and Development Plan and the JGDM, LED Strategy by developing its own LED Strategy. The JGDM must implement the new District Development model, to promote joint planning and budgeting to ensure service delivery and to increase its developmental impact in the region (CoGTA, 2020:1-4).

### **3.3.11 Senqu Local Economic Development Strategy**

By considering the Eastern Cape Provincial Growth and Development Framework and to implement the five goals of the JGDM, LED Strategy, the Senqu Local Municipality aims

to achieve specific economic outcomes. Senqu Local Municipality strives to achieve the following economic outcomes, namely to improve the urban infrastructure and to attract investment; development of partnerships between public sector and the private sector to encourage investment and skills development in the area; to improve youth entrepreneurship and participation in the mainstream economy; to build strong and sustainable LED institutions and resources; and to ensure that 30% of all infrastructure projects benefit SMME's and to alleviate unemployment by utilising labour intensive programmes and projects such as Community Work Programmes (CWP) and Expanded Public Works Programs (EPWP) (Senqu Local Municipality LED Strategy, 2018:63).

According to the Senqu Local Municipality LED Strategy (2018:64-65), Senqu Local Municipality has five integrated development thrusts. The first thrust focuses on local development that is liable to make the municipal area more attractive to investors, tourists and individuals and improve the physical and environmental appeal of the area by enforcing bylaws, reducing red tape, and revitalising the small towns. The second thrust focuses on enterprise development which is responsible to create a conducive environment for existing, new and start-up businesses, improving the profitability, competitiveness and sustainability of locally based enterprises, and prioritising of the development of key growth and employment sectors such as agriculture, tourism, and green economy. The third thrust focuses on livelihoods with the aim to facilitate labour intensive projects that create employment opportunities. The fourth thrust focuses on skills development with the intention to facilitate the building of the necessary skills base for economic growth and development, improvement of employability and active economic participation and support of the key growth and employment sectors. The last thrust focuses on institutional development to ensure the establishment of viable partnerships with key and relevant stakeholders and to improve the monitoring and evaluation of LED projects and initiatives. Thus, Senqu Local Municipality LED thrusts prioritise LED to improve *inter alia* the livelihoods of local communities, the development of key growth and employment sectors such as agriculture, tourism, and green economy, and to facilitate labour intensive projects that could create employment opportunities for local communities.

### 3.4 AN OVERVIEW OF SOCIO-ECONOMIC DEVELOPMENT OF LOCAL COMMUNITIES IN SOUTH AFRICA

In order to understand the perceived impact of the continued influx of illegal foreign nationals, it is necessary to have a look at the mechanisms in place to develop the socio-economic conditions of local communities in South Africa, in particular in Senqu Local Municipality. The notion of socio-economic development is mandated in the WPLG, 1998. In this regard, Maserumule (2008:437) points out that in terms of the *WPLG* (1998:37) developmental local government requires that municipalities must work local communities and community organisations to find sustainable ways to meet the socio-economic and material needs of the municipality and to improve the lives of all communities. According to Raga and Taylor (2005:141), the *WPLG* provides that developmental local government has four interrelated characteristics; firstly, to maximise the social development and economic growth of communities and secondly to promote integration and coordination within municipalities. It requires that the different role-players that contribute towards the development of a municipal area should be integrated and coordinated effectively. Thirdly, to democratise development. This means that municipal councils should ensure that citizens, community groups and ward committees are involved in the design and delivery of socio-economic development programmes. Lastly, municipalities should strive to find new ways to sustain their economies, to protect their environments, to build their societies and improve personal safety and to eradicate poverty in the municipal area (*WPLG*, 1998:38).

Considering the above, the NDP (2011:363) emphasises the importance of the developmental role of municipalities to promote the social and economic development of its communities. Except for the above, as part of the social upliftment of local communities, the Section 73(1)(c) of the *MSA*, 2000 requires from municipalities to provide basic municipal service to local communities to ensure an acceptable and reasonable quality of life, which, if not provided, would endanger public health or safety or the environment. In this regard, Mogale (2005:140) points out that the provision of basic municipal services becomes a challenge in some local communities and in areas where there is a high rate of unemployment, poverty and historical backlogs in infrastructure services and the uneven spread of economic resources. Mogale (2005:140) further contends that constitutionally the right to basic services has certain challenges,

especially in areas where service delivery for the vulnerable community such as water and electricity are unavailable. Even though subsidies to lessen the plight of the indigent are promised, the reality is that municipal policies and criteria take time to implement. In addition to the above, Tissington (2010:40-51) avers that the socio-economic development of local communities in South Africa was further emphasised in the *White Paper on Housing, 1994* as the community members were expected to contribute through providing the houses by themselves as to address structural, economic, social, and spatial dysfunctionalities, closing the existing policy vacuum, and focused at providing a new policy direction within the housing programme.

According to Tissington (2010:33-57), the adoption of the Integrated Residential Development Programme was aimed at the development of subsidised housing and became the tool to plan and develop integrated settlements and developing of an integrated project, providing for the housing, social and economic needs of different income categories and providing for both subsidised, as well as finance linked housing, social and rental housing, commercial, institutional, and other land uses to be developed. Tissington (2010:33-57) further provides that the building of socio-economic facilities by municipalities to new or existing communities must include medical care facilities, community halls, community parks or playgrounds, taxi ranks, sport facilities, informal trading facilities and basic ablution facilities.

According to Bertoldi (2010:17), socio-economic development requires implementation of the public investment projects by the government and by public enterprises, public works projects that will hire poor people for the construction, maintenance and delivery of infrastructure services and establish and finance institutions that help the poor and vulnerable, such as social security, school feeding and transportation subsidies. Another success factor for socio-economic growth is made through the establishment of the community structures in areas where they do not exist and by mobilizing stakeholders to support community empowerment and skills development initiatives in line with identified needs and opportunities. Other key success factors for socio-economic growth include the empowering of local communities to be self-reliant and take charge of their own destiny through the capacitation of the community on leadership training, social facilitation for socio-economic independence, and lastly, by establishing savings clubs and cooperatives for economic development, wealth creation and prolific use of assets.

The South Africa Position Paper on Rural Development (2010:20) maintained that the socio-economic growth of rural communities are developed through the maintenance of school and community gardens that will later create additional employment opportunities for adult community members for nutrition provision and increasing food security initiatives.

The promotion of efficient socio-economic development in rural communities in South Africa requires that municipalities structure the municipal administration in such a manner that it makes provision for a department or unit responsible for socio-economic development. The department must frequently monitor the socio-economic position of local communities and act timeously with preventative measures where it is within their power to do so. Economic development is further promoted through the establishment of an advisory committee, which is responsible to advise the municipal council on economic development matters. In addition, community societies and groups including the private sector fulfil a key role in the promotion of socio-economic development of local communities (Claassen, 1994:16-17; Martins, 2006:18).

Kimbu and Tichaawa (2018:782) accentuate that socio-economic development and LED of local communities depends on the emergence and support of local role models, the creation or formation of institutional intermediaries, equitable and active stakeholder participation and ownership, the provision of financial and technical resources, good governance and stringent accountability mechanisms, identification of sustainable income generating opportunities for the poor local community and implementation of monitoring indicators to measure progress. According to Local Government Budgets and Expenditure Review (2011:201-203), programme investments are required to promote socio-economic development of local communities, which are outlined in the discussions below. Various role players including the municipal council, municipal departments, advisory committees, community organisations and community groups as well as the private sector thus fulfil a key role concerning the promotion of socio-economic development of local communities. The capacity, sustainable financial and human resources, promotion of good governance, accountability mechanisms, effective monitoring and evaluation, and sustainable socio-economic opportunities are critical to promote effective socio-economic conditions for local communities of which Senqu Local Municipality cannot be excluded. Attention was given in the discussion below to,

amongst others, the Expanded Public Works Programme, land reform programmes for investment and tourism, support programmes for investment. This is followed by a discussion about human capital development for investment and small medium micro enterprises for investments to promote the socio-economic development of local communities.

### **3.4.1 Expanded Public Works Programme**

According to Dladla and Mutambara (2018:14), the socio-economic development of local communities can be achieved through EPWP as it facilitates various opportunities such as the access to skills development related to business management, access to development finance, access to business development support services, and access to markets. Meth (2011:6) maintains that the primary focus of EPWP is to create job opportunities and improve the level of education and training instead of becoming a solution for poverty in South Africa. While Chakwizira (2010:241) maintains that the EPWP assist on socio-economic development by incorporating the previously excluded groups into the formal labour market. In another view, Meth (2011:2) avers that those who do not qualify for social assistance are getting earnings through the EPWP.

The South Africa Position Paper on Rural Development (2010:17) states that the EPWP firstly entails the profiling of households as to determine their needs, skills and employability. Secondly, the identification of employment creation opportunities must be aligned with existing planned interventions such as rural infrastructure projects and opportunities in neighbouring areas. Thirdly, the development of basic technical skills initiatives must be aligned with identified job creation opportunities. Fourthly, one of the aims of the expanded public works programme principles focuses on placing one member of a household of poor local communities in a job on a two-year contract. Lastly, the expanded public works programme strives to encourage local communities to participate in cooperative development initiatives and local opportunities whereby each employed member is expected to contribute 50% of income to households. The expanded public works programme can be seen as a key mechanism to promote socio-economic development of poor local communities.

### 3.4.2 Land Reform Programmes for Investment

A land reform programme for investment refers to programmes that are executed at national and provincial government sphere for the benefit of the local communities. According to Macheche (2004:7), there are programs that were created for land reform for investment such as the Settlement Land Acquisition Grant and Land Redistribution for Agricultural Development that were meant for socio-economic development of local communities. The Local Government Budgets and Expenditure Review (2011:202-203) maintain that a land reform programme involves the following:

- Land restitution drivers that focus on restoring land rights to people who were victims of land deprivation and sometimes giving them monetary reward for the loss.
- Emerging farming programmes involves the buying of land by the state and making it available to emerging farmers who are from previously disadvantaged groups, with a view to altering the composition of land ownership and ensuring fair access to land.
- Tenure reforms that seek to protect the land tenure rights of farm workers and farm communities, especially those living in commercial farming areas.

However, Lahiff, Davis and Manenzhe (2012:53:54) argue that land reform programmes for investment never yield positive outcomes for socio-economic development of local communities as there are no material benefits achieved for the majority of community members since there are few chances given for individuals or small groups to start their own enterprises on the restored land. Macheche (2004:7) points out that little attention has been given to the farmer support services who are the land reform beneficiaries which has led to it being a fruitless exercise. Hull *et al.* (2019:19) indicate that there are three reasons which led to the failure of land reform programmes for investment, namely the lack of post-restitution support, shortage of skills and resources to optimally use the land and lack of interest from beneficiaries to become farmers.

### **3.4.3 Agricultural Support Programme for Investment**

The South Africa Position Paper on Rural Development (2010:12) provides that agricultural support programmes for investment focus on to the establishment of rural business initiatives, agro-industries, co-operatives, cultural initiatives and vibrant local markets in rural settings and the empowerment of rural people and communities that are targeting women and youth. The Local Government Budgets and Expenditure Review (2011:202) states that a successful agricultural sector and programme provides employment opportunities aiming to promote national food security and to create markets for non-agricultural products. Masuku, Jili and Selepe (2016:7) maintain that socio- and economic development of local communities in South Africa is done through the formation of an agricultural cooperative for the purpose of farming to generate income. Thus, agricultural support programmes should improve the socio-economic development of local communities to generate an income for local communities.

### **3.4.4 Tourism Support Programmes for Investment**

According to the Local Government Budgets and Expenditure Review (2011:202), local communities and participates in socio-economic development in tourism support programmes by ensuring community participation and ownership of tourist products. Secondly, by providing adequate skills to local communities to develop products and services in the tourism industry that could generate an income for local communities. Thirdly, municipalities must invest in local infrastructure development, including water, electricity, sanitation, and road infrastructure to attract tourists to rural areas. In this regard, Masuku, Jili and Selepe (2016:3) aver that municipalities and local communities need to work with public, private, and civil societies in the tourism sector to ensure that local communities could benefit from tourism support programmes. Masuku, Jili and Selepe (2016:3) further argue that private businesses will be able to provide advice to municipalities and local communities on how to invest in tourism support programmes to promote socio-economic development of local communities. Tourism can be seen as one of the key programmes to promote socio-economic conditions of local communities.

### **3.4.5 Human Capital Development for Investment**

Municipalities should fulfil an important support role in human capital development by ensuring that schools and health facilities are connected to roads, have access to water, sanitation and electricity (Local Government Budgets and Expenditure Review, 2011:202-203). In addition to the above, Kimbu and Tichaawa (2018:781) point out that the LED is executed through the imposition of structural change programmes by international financial institutions and donors aimed at socio-economic development of local communities. While Laldaparsad, Geyer and du Plessis (2013:39) maintain that social investments for human capital development in municipalities include health care facilities, safety and security facilities, hospitals and clinics, sports facilities, arts facilities, libraries, cultural facilities, parks and leisure facilities, zoos, cemeteries, theatres, licensing centres and vehicle-testing centres, fire and rescue stations, and municipal policing.

### **3.4.6 Small Medium Micro Enterprises for Investment**

Masuku, Jili and Selepe (2016:6-7) mention that municipality assists local communities to start their own SMMEs in poultry farming, catering businesses and other potential businesses and provide the training based on financial life skills. Municipalities fulfil a key role by creating the enabling conditions for economic development, job creation opportunities, in particular the development of entrepreneurship where local people were encouraged to formulate social and economic projects based on the utilisation of local resources to meet their basic needs. The *WPLG* (1998:28-29) states that social and economic development of local communities requires that local government must create and promote a local area that is a pleasant place to live and work by giving the preference to the local suppliers and SMMEs during the procurement process. The *WPLG* (1998:28-29) states further that the programmes from the Department of Trade and Industry plays various roles through the support from municipality in giving assistance to small businesses to gain capable investors.

Kongolo (2010:2290) avers that SMMEs have a variety of benefits over large-scale businesses for socio-economic development as they can adapt easily to market conditions. They can also withstand the adverse economic conditions as per their flexible nature. In

addition, they are more labour intensive than larger firms, and have lower capital costs associated with job creation for ensuring income stability, employment and economic growth. Kongolo (2010:2291) further reveals that SMMEs can reduce poverty levels and high unemployment levels. SMME's contribute to over 55% of GDP and over 65% of total employment in high income countries, account for over 60% of GDP and over 70% of total employment in low-income countries and contribute about 70% of GDP and 95% of total employment in middle income countries. On the other hand, Rogerson (2011:5412 -5413) states that SMMEs can benefit the mining industry in several ways. Mining companies can enhance their supply chains through the increase of local procurement to build the capacity of the supplier base (SMMEs) for the mining industry. This could lead to an increase in a capital-intensive mining economy as there can be indirect job creation using the black-owned SMME's for mining procurement. Thirdly, there can be a direct contribution through outsourcing 50% of the mine's workforce requirements to local and regional businesses.

According to Malemela and Yingi (2016:134), the SMME sector backs the economy through creating more employment opportunities, generating higher production volumes, increasing exports, introducing innovation and entrepreneurship skills and taking responsibility to target previously disadvantaged people, marginalised communities, and geographic regions. Malemela and Yingi (2016:134) further maintain that the SMME sector promotes the development of black economic empowerment enterprises and allows poor local communities to participate fully in the economic development opportunities of the country. SMME's further promote local ownership, involvement of local communities, local leadership and joint decision-making concerning economic development. It further involves the establishment of international, national, and local, partnerships with local communities to maximise opportunities for development and integrate diverse economic initiatives in an all-inclusive approach to local development. Thus, the establishment of SMME's is critical to address high unemployment rates and poverty in rural municipal areas, such as in the case of the Senqu Local Municipality. The existing socio-economic structures in Senqu Local Municipality are outlined in the discussion below.

### **3.5 THE EXISTING SOCIO-ECONOMIC DEVELOPMENT STRUCTURES IN THE SENQU LOCAL MUNICIPALITY**

Senqu Local Municipality have various structures existing for socio-economic development and it strives to develop more for economic development in the area. Keeley, Parsons and Broughton (2018: 56) state that the Senqu Local Municipality has the Sterkspruit Urban Regeneration Plan whereby the Urban-Econ Development Economists were appointed by the Senqu Local Municipality to undertake an innovative economic development concept for the town with an objective to have a development plan that informs planning, economic and social infrastructure as well as expected economic spin-offs for the area. The current LED structures in Senqu Local Municipality include agriculture, tourism, mining and expanded public works and community works programmes, which were outlined below.

#### **3.5.1 Agriculture**

According to Murray (2017:29), agriculture is one of the primary sectors that is categorised amongst the broad economic sectors in Senqu Local Municipality. The agricultural sectors in Senqu Local Municipality led to socio-and economic growth and development in the region. On the one hand, Parhanse (2007:110) maintains that community members are known to be skilled in agriculture in Sterkspruit area. On the other hand, Murray (2017:30) points out that between 2006 and 2016, the agriculture sector experienced the highest growth in 2008 with an average growth rate of 21.8% and the lowest growth for the period during 2016 at -9.1%. There are various reasons that affect agricultural growth in the region. Murray (2017:34) states that the weather conditions, pests, and other natural causes badly affect the agricultural sector in Senqu Local Municipality.

Agriculture as an economic sector is divided into different types. Harris and Fuller (2014: 6) states that there are distinctive types of agriculture that focus on the production of food and on products such as hides, hair, wool, building materials, and many other useful items that should assist local communities to improve their socio-economic conditions. According to Goqwana, Machingura, Mdlulwa, Mkhari, Mmolaeng and Selomane (2008:8), Senqu Local Municipality and the Eastern Cape Provincial Department of Agriculture and Land Affairs must focus on the socio-economic development of the local

communities of the Strekspruit region through increasing assistance of poor farmers for satisfying household food security, sustainable agricultural production as to ensure food security and self-sufficiency for these local communities. The discussion below focussed on some of the products that are produced in the Senqu Local Municipality area and their perceived impact on the Senqu Local Municipality economy.

### **3.5.1.1 Crop Production**

Senqu Local Municipality, IDP (2017:28) states that agriculture including crop production is the major economic driver of the local economy in the Senqu Local Municipality area. However, the area is more matched towards stock farming than crop production due to its mountainous profile, short growing season, and shallow erodible soils (Senqu Local Municipality, IDP 2017:32). The irrigation on many commercial farms in the area is caused by the existing and constant threat of drought as there is no water source or dam that is large enough to meet the growing demand for treated portable water (Senqu Local Municipality, IDP, 2017:102). Even though it is composed of degraded and dry soil, the Senqu Local Municipality area has five different types of vegetation which includes dry sandy highveld grassland, moist cold highveld grassland, afro mountain grassland, alti mountain grassland that is important for grazing and generally occurs in water catchment areas and moist upland grassland which is important for maize farming and forestry (Senqu Local Municipality, IDP, 2017:12).

The Senqu Local Municipality IDP (2017:20-32) further states that the population density is another challenge that affects crop production in the Senqu Local Municipality area. In 2017 the population density was estimated at 16.12 persons per km squared. The former homeland that exists in Senqu Local Municipality area is being invaded by plants which reduces grass from rising and affects animal health like the jointed cactus and slangbos, which contributes to the reduction of crop production in the area. Majority of the municipal land has unimproved grassland (75.6%), with only 6.6% of the area used for cultivation purposes and only 13% of the surface area classified as degraded land due to its poor use and wrong management practices such as overgrazing, wrong cultivation methods and municipal owned or state land invasion for erection of informal settlements as people want to move closer to city services (Senqu Local Municipality, IDP 2017:35).

A challenge for the Senqu Local Municipality is that municipal owned or state land for building of informal settlements is not only invaded by South African citizens or local community members but also foreigners as the area is close to Lesotho. The Senqu Local Municipality, IDP (2017:11-20) maintains that the Senqu Local Municipality has no migration plan in place due to the absence of funding. The nearby Lesotho border contributes to the influx of illegal foreign nationals who reside in the Senqu Local Municipality area. When people manage to get access, either legally or illegally, due to the absence of a migration plan, they may acquire the land to reside in as illegal foreign nationals within the municipal area through land invasion practices. In addition to the above challenges that affect crop production in the Senqu Local Municipality area, is the overstocking of livestock and inappropriate grazing methods that become the primary cause of failure to crop production in the Senqu Local Municipality area and have a negative impact on the socio-economic conditions of local communities.

### **3.5.1.2 Commercial Farming**

Commercial farming in the Senqu Local Municipality area is mainly in sheep and limited numbers of goats together with some cattle farming. The area has a capacity to produce a high-quality wool and has the largest wool production in the entire Eastern Cape Province. The Senqu Local Municipality, IDP (2017:32) states that in 2010/11, 46 099 196 kilograms of greasy wool was produced in South Africa. The Eastern Cape produced 14 300 585 kilograms through the assistance of Barkly East that produced 897 677 kilograms and Lady Grey produced 197 727 kilograms. In addition, in 2011/12 the Eastern Cape Province produced 13 950 406 kilograms whereby, Barkly East commercial farmers produced 876 812 kilograms and Lady Grey commercial farmers produced 178 107 kilograms which makes commercial farmers in Senqu Local Municipality area one of the largest producers of wool in the Eastern Cape Province.

In the context of the socio-economic development of local farm communities, Parhanse (2007:112) points out that there is a possibility of livestock production and expansion in the area for small stock such as sheep and goats by farm worker enterprises that can provide the wool and meat for small processing industries. Goqwana *et al.* (2008:2) state that Sterkspruit area was identified in 2004 as a focus area for a land care project. The goal of the land care project is to improve farming conditions in an area which is much

eroded and subject to severe poverty that will assist for socio-economic and local economic development in the Senqu Local Municipality area. Parhanse (2007:113) is of the opinion that food processing can be developed through small scale meat processing, dairy to process local milk, and an abattoir to handle local livestock which could provide a source of rural employment for socio economic and local economic development in the area. Goqwana *et al.* (2008:46) further maintain that the Senqu Local Municipality through its partnership with the Eastern Cape Provincial Department of Agriculture and Land Affairs strive to develop the socio-economic conditions for emerging farmers. The Eastern Cape Provincial Department of Agriculture and Land Affairs also provides funding and mentoring services to emerging farmers to reduce overstocking in the area with the aim to develop the socio-economic conditions of local communities.

### **3.5.2 Tourism**

The South Africa Yearbook (2016:1) provides that the tourism industry remains a crucial driver of South Africa's national economy that contributes to employment creation. The tourism industry contributes approximately 9% to the country's gross domestic product (GDP). According to the Senqu Local Municipality IDP (2017:222), the tourism industry in the region has the potential to grow. The Senqu Local Municipality's summarised operational budget for the promotion of the tourism industry is as follows: R 539 640, 00 in 2017/2018, R 567 933, 00 in 2018/2019 and R 597 722, 00 in 2019/2020 (Senqu Local Municipality, IDP 2017:190). The Senqu Local Municipality tourism recorded the highest average annual growth rate from 2006 (1 770) to 2016 (1 650) at -0.70% and visits to friends and relatives recorded the highest number of visits in 2016 at 40 000, with an average annual growth rate of -0.77%. The lowest growth was on leisure and holiday tourism with an average annual growth rate of -2.47% from 2006 (3 420) to 2016 (2 660) (Murray 2017:86). On the other hand, the South Africa Yearbook (2016:5) avers that the International Tourism Strategic Plan and Annual Performance Plan seeks to grow up to a projected R91,2 billion in 2015 to R124,4 billion by 2020 in South Africa as a revenue that came from tourism and contributed to the South African economy.

The Senqu Local Municipality is blessed with some of the most beautiful and attractive areas in the country. This attracts tourists and contributes to developing the tourism industry. Scenic beauty, hiking and wildlife attractions, trout fishing and being the area

with South Africa's only ski resort, Tiffindell Ski Resort, all exist in the Senqu Local Municipality area (Senqu Local Municipality, IDP 2017:28). Parhanse (2007:113) adds that the Senqu Local Municipality area has a potential for community-based tourism ventures that can build on the Xhosa, Basotho and Hlubi cultural traditions and thereby contribute to socio- and economic improvement as well as LED in the area, including the building on the Holo Hlahatsi dam.

During 2016 the Senqu Local Municipality had a tourism spending per capita of R 986 and an average annual growth rate of 2.79% which caused the Senqu Local Municipality to be ranked as second amongst all the regions within JGDM in terms of tourism spend per capita (Murray 2017:86). In addition, the Senqu Local Municipality, IDP (2017:31-33) accentuates that the Tiffindell Ski Resort is uniquely positioned to capture the local skiing market and the areas' strategic location and proximity to Lesotho provides major tourism development opportunities for both the Senqu Local Municipality area and Lesotho. The South Africa Yearbook (2016:14) provides that the N6 Route from Bloemfontein to East London has popular attractions including the slopes of the Tiffindell Ski Resort and trout-filled streams and many caves adorned with ancient rock art whereby several historic towns can be found in the region such as Barkly East, Lady Grey and Rhodes. Keeley *et al.* (2018:63) state that Urban-Econ Development Economists were employed to undertake the development of a responsible tourism plan with an objective to identify exiting potential and identify appropriate interventions to promote and develop the tourism industry in the Senqu Local Municipality area.

In addition, the National Tourism Sector Strategy (2010:1) compares the growing tourism industry by asserting that the industry in South Africa has grown considerably since the country's first democratic elections in 1994. The number of foreign tourist arrivals increased from just more than 3 million in 1993 to over 9, 9 million in 2009. Since tourism is a second major economic driver of the local economy in Senqu Local Municipality, this has resulted in local economic businesses which depend on various sectors of tourism. The Senqu Local Municipality, IDP (2017:28-62) provides that four economic drivers exist in Senqu Local Municipality that focus on economic development. The first economic driver is the existence of the Tourism/Heritage and Hospitality Centre in the area that upholds visits to the resorts, eco and golf estates for infrastructure services, a potential river adventure resort and heritage sites as well as the ski resort. The second

economic driver in the area has the potential for rising SMMEs through small scale accommodation facilities and tourism products and services, such as crafts, entertainment and guiding that backs on growing the local economic opportunity through local procurement in respect of services, products, and supplies such as furniture, bottled water, and repairs and maintenance. The third economic driver refers to the area location as being in proximity to Lesotho and the Free State Province which leads to an economic development gain as it allows it to tap into the latent markets as well as being only 60 km from the N6 route from East London to Johannesburg. The fourth economic driver refers to the immersion of other partners in the local tourism organisation such as the Senqu Local Municipality Tourism Association and the Small Enterprise Development Agency (SEDA), JGDM, the Eastern Cape Development Corporation (ECDC), the Eastern Cape Provincial Department of Local Government and Traditional Affairs (EC DLGTAs), the Department of Economic Development and Environmental Affairs (DEDEA) and the Eastern Cape Provincial Department of Agriculture (ECDA) which offers support services to tourism enterprises and other small businesses in the area.

According to the Small, Medium and Micro Enterprise Sector of South Africa (2016:6) the SEDA was established in terms of the *National Small Business Amendment Act* (Act 29 of 2004). The Act, mandated by the implementation of government's small business strategy, designs and implements a standard and common national delivery network for small enterprise development and integrates government-funded small enterprise support agencies across all tiers of government. The Eastern Cape Development Corporation (ECDC) Annual Report (2019:7) states that the ECDC draws its mandate directly from the *Eastern Cape Development Corporation Act* (Act 2 of 1997) for fulfilling the economic development priorities of the Eastern Cape Provincial Government through planning, financing, co-ordinating, marketing, promoting and implementing the development of the province and its people in the fields of industry, commerce, agriculture, transport and finance.

In addition to the above the Senqu Local Municipality, IDP (2017:44) states that there are areas with development potential as tourism sites of interest relating to the Drakensberg and the Maloti Tourism Route. It was accentuated in the above discussion that various provincial departments provide support services to tourism enterprises and other small businesses in the Senqu Local Municipality area.

### **3.5.3 Mining**

Mining is one of the economic sectors in the Senqu Local Municipality area but does not contribute significantly to the local economy. Murray (2017:33-36) states that in 2021, the sector is estimated to have grown with an average annual growth rate of 1.04% as the Senqu Local Municipality area currently does not have much mining activity. The Senqu Local Municipality IDP (2017:27) states that mining emerges as a relatively significant economic sector. In terms of performance, it generates a comparatively small contribution to both Gross Value Added (GVA) (0.3%) and formal employment (0.5%) and is composed of a huge quantity of sandstone which is being mined and cut into bricks for building and a large quantity of sand that is constantly mined for the making of bricks. Murray (2017:26-30) maintains that in 2016 the sector contributed to the economy of Senqu Local Municipality with a contribution of R7.08 million or 0.25% of the total GVA and reached its highest point of growth of 5.0% in 2010 and its lowest point of growth in 2015 at -11.5%.

The Senqu Local Municipality does not fund any projects which utilise these assets without a mining permit and as a result the mining itself shows certain growth signs as it is recorded (6.7% pa) as the mining and employment remain marginal. It has increased from only 40 to 76 workers from 2000 to 2010 (Senqu Local Municipality, IDP, 2017:27-29). Murray (2017:43-44) further adds that the mining sector with 27.3 employees (0.1%) employs the least number of people in the Senqu Local Municipality area and have well-regulated mining safety policies, and the strict registration of a mine with has little or no informal employment.

### **3.5.4 Expanded Public Works and Community Works Programme**

According to the Senqu Local Municipality IDP (2017:40) in Senqu Local Municipality the EPWP and CWP are implemented through fulfilling particular objectives such as to create job opportunities through reviewing the manner that municipalities implement existing projects and programmes, to identify and propose programmes that will contribute to additional employment creation opportunities and to ensure that the proposed job creation programmes form part of the service delivery mandates of the municipality. Parhansé (2007:114) points out that existing LED programmes and

projects, EPWP and Municipal Infrastructure Grants should contribute to community labour involvement and socio- and economic development as well as LED in the Senqu Local Municipality area.

The Senqu Local Municipality, Integrated Development Plan (2017:40) maintains that 220 jobs were created in 2016/2017 through mass job creation as part of the EPWP programme and over 2000 through CWP and EPWP projects were used as a form of intervention strategy by the municipality through paving of townships and sidewalks in all CBD's and the linkages between the townships as part of the pavement management system in places where pedestrians do not utilise transport (Senqu Local Municipality, IDP 2017:108-109). Thus, the EPWP programme contributes to the creation of job opportunities for local communities. The continued influx of illegal foreigners, however, who can obtain fraudulent identity documentations could also compete with local communities to form part of the EPWP in the region.

### **3.6 EMPLOYMENT AND JOB CREATION IN SENQU LOCAL MUNICIPALITY AS PART OF THE LED STRATEGY**

In order to understand the perceived impact of the continued influx of illegal foreign nationals, in particular into the Senqu Local Municipal area, it is necessary to look at current employment and job creation conditions in the Senqu Local Municipal area. There are two forms of employment that exist in Senqu Local Municipality that reflects directly on job creation that affects all persons between 15 and 65 who are actively looking for work in the area. According to the Senqu Local Economic Development (LED) Strategy (2018:47), formal and informal sectors of employment exist in Senqu Local Municipality which contributed in 2016 by employing 24 400 humans in Senqu Local Municipality area and led to a contribution of 32.18% of the total employment in JGDM.

In light of the above, the Senqu LED Strategy (2018:48) emphasises existing employment statistics by stating that the Senqu Local Municipality employs the lowest number of people. The highest recordings in 2016 were in the economic and community services sector with a total of 6 680 employed people or 27.4% of total employment. In 2016, the trade sector consisted of 5 520 employees (22.7%) which was the second highest

employment sector. The mining sector, with 27.3 (0.1%), was the sector that employs the least number of people, followed by the electricity sector with 45.1 employees (0.2%) as an employment rate. The discussion below focused on the topics of formal and informal employment and unemployment in the Senqu Local Municipality.

### **3.6.1 Formal and Informal Employment in Senqu Local Municipality**

According to the Senqu LED Strategy (2018:48), formal employment is much more stable than informal employment and is currently recorded as 16 400 people in 2016, equal to 67.33% of total employment. The informal employment is recorded at about 7 960 people or 32.67% of the total employment with a rise from 6 590 in 2006 to an estimated 7 960 in 2016. In addition to the above, the Senqu LED Strategy (2018: 48) further states that the agriculture sector recorded the highest number of informal employments with a total of 3 480 employees or 43.75% of the total informal employment as the skills that are required are less than with most other sectors.

In light of the above, the Senqu LED Strategy (2018:49) emphasises that in the Senqu Local Municipality area, the finance sector has the lowest informal employment with 394 employees, and it only adds 4.95% to total informal employment. The Senqu Local Municipality, Local Economic Development Strategy (2018:8) maintains that in the Senqu Local Municipality there are applicable policies that are responsible for socio-economic development and include Broad-based Black Economic Empowerment (BBBEE), Labour Policies, Technology Policy, Developmental Trade Policies and Policies for African Development. Moreover, the Local Economic Development Strategy (2018:49) points out that it is important for local communities to participate in the informal sector which later leads to formal employment since the formal economy is not growing fast enough to generate adequate employment opportunities in the area. Considering this, one could argue that the continued influx of illegal foreign nationals could further place a burden on employment opportunities for local communities in the formal economy of the region.

### **3.6.2 Unemployment in Senqu Local Municipality**

According to the Senqu LED Strategy (2018:50), there was an annual increase of 1,53% in unemployment in the area with an increase of 1 410 people from 8 590 in 2006 to 9 990 unemployed people in 2016 (between 15 and 65 years of age). From the above it is clear that the unemployment rate in the Senqu Local Municipality area is a tangible encounter. one could argue that the influx of illegal foreign nationals could further contribute to an increase in the unemployment rate in the area. According to the Senqu LED Strategy (2018: 48-54) unemployment in Senqu Local Municipality affects the various areas of income of local communities, as discussed below.

#### **3.6.2.1 Senqu Local Municipality Income and Expenditure**

According to the International Labour Organisation (ILO) (2003:9) income is the maximum amount that a household or other unit can afford to spend on consumption of goods or services during the accounting period without having to finance its expenditures by reducing its cash, by disposing of other financial or non-financial assets or by increasing its liabilities. Mustapha, Rashid and Nasir (2011:395-396) maintain that expenditure reflects a spending behaviour that is driven by the need to fulfil necessities of the individual household and the family. Income is directly proportional to and has a positive relationship with the total expenditure, whereby an increase in income will increase the total expenditure and the total expenditure is influenced by income of the household (Mustapha *et al.*, 2011:404). In light of the above, the Senqu LED Strategy (2018:51) states that it is estimated that in 2016 a total of 21.81% of all the households in the Senqu Local Municipality were living on R30, 000 or less per annum in comparison with 2006 which was 59.71%. The Senqu Local Municipality has a growing economy with production factors that are increasing, and incomes are spent on purchasing goods and services, whereby the measuring of the income and expenditure of households becomes the major indicator of economic trends and becomes a good marker of growth as well as consumer tendencies in a local community.

### **3.6.2.2 Senqu Local Municipality Annual Total Personal Income**

According to the Framework for Statistics on the Distribution of Household Income, Consumption and Wealth (2013:81), personal income is the income received by household individuals at annual or more frequent intervals but excludes windfall gains and other such irregular and one-time receipts. The International Labour Organisation (ILO) (2003:82) maintains that a personal income is made up of the direct wages and salaries for time worked and work done, cash bonuses and gratuities, commissions and tips, directors' fees, profit-sharing bonuses and other forms of profit-related pay, remuneration for time not worked as well as free or subsidised goods and services from an employer that is a receiver through the participation in economic activities by the employment related capacity for employee income and income from self-employment.

The Senqu LED Strategy (2018:52) states that the Senqu Local Municipality area recorded an average annual growth rate of 9.92% (from R 1.62 billion to R 4.18 billion) from 2006 to 2016, and the total personal income of the Senqu Local Municipality amounted to approximately R4.18 billion in 2016, whereby the African population group earned R3.82 billion, or 91.26% of total personal income, while the White population group earned R264 million, or 6.30% of the total personal income. The Coloured and Asian population groups only had a share of 1.63% and 0.81% of total personal income respectively.

### **3.6.2.3 Senqu Local Municipality Annual Per Capita Income**

The Municipal Economic Review and Outlook (2017:158) states that per capita reflects on Gross Domestic Product which becomes an indicator to estimate the income per person within an economy. The standard of living is calculated by dividing the real gross domestic product of an economy by the total population. International Comparisons of GDP per Capita and per Hour (2012:3) mention that capita income is a basic indicator of a country's economic well-being. Caron, Fally and Markusen (2020:2-3) avers that per capita income plays a crucial role in determining the demand patterns across countries and sectors and the strong correlation between skill intensity and income elasticity which induces a quantitatively large shift in demand towards skill-intensive goods as per capita income increases. The annual per capita income is an adjusted gross disposable income

of household that is divided by the total and by the deflator known as a price index of household final consumption expenditure (Lang 2019:2).

In light of the above, the Senqu LED Strategy (2018:53-54) states that the per capita income in Senqu Local Municipality is R29,500. The White population group has the highest per capita income with R187,000 relative to the other population groups, followed by the coloured population group and 0.3% share of the national population, 0.1% share of the total national income and a 0.1% share in the total national retail. Furthermore, the area has a low index of buying power whereby its residents are most likely spending some of their income in neighbouring areas which leads to the sense that the municipality has access to only a small percentage of the goods and services available in all of the JGDM, although between 2006 and 2016, the index of buying power within the Senqu Local Municipality area increased to its highest level in 2016 (0.001517) from its lowest in 2011 (0.001389).

#### **3.6.2.4 Senqu Local Municipality Household's Income**

According to the Framework for Statistics on the Distribution of Household Income, Consumption and Wealth (2013:79), household income is a flow that enables consumption and contributes to changes in household wealth or net worth. In the Senqu Local Municipality area the income levels per household in 2016 was 21.81% and with residents earning R30, 000 or less per annum, whereby the income category of R30 000 - R42 000 has the highest number of households at 6 100 which is 15% of the total population (Senqu LED Strategy, 2018:58).

These income levels per household are made by the formal and informal employment existing in the Senqu Local Municipality area. The Senqu LED Strategy (2018:48) states that the number of formally employed people in Senqu Local Municipality counted 16 400 in 2016, which is about 67.33% of total employment, while the number of people employed in the informal sector came to 7 960 or 32.67% of total employment. Moreover, the Senqu LED Strategy (2018:48) added further economic sectors that are creating employment opportunities in Senqu Local Municipality, such as in the community services sector with a total of 6 680 employed people or 27.4% of total employment in

the local municipality, the trade sector with a total of 5 520 (22.7%), the mining sector with 27.3 (0.1%) and electricity sector with 45.1 (0.2%) in 2016.

### **3.7 CURRENT SOCIO-ECONOMIC DEVELOPMENT CHALLENGES IN THE SENQU LOCAL MUNICIPALITY AREA**

The Senqu Local Municipality has various socio-economic developmental challenges. These include geographic challenges, dependency and poverty challenges, youth employment and income challenges, literacy and skills challenges and growth and institutional challenges. These are all discussed in detail below.

#### **3.7.1 Geographic Challenge**

The majority (86%) of the Senqu Local Municipal area population lives in predominantly rural areas consisting of rural villages and farm households with a population density of 19.3 persons per square kilometre, which indicates that people are scarcely located. This makes it extremely costly and difficult to afford the prerequisite services and conditions to address unemployment and poverty (Senqu LED Strategy, 2018:57).

#### **3.7.2 Dependency and Poverty Challenge**

According to the Senqu LED Strategy (2018:57), the percentage of people living in poverty decreased from 74.79% in 2006 to 66.40% in 2016, even though the poverty rate is still high and therefore more focus needs to be placed on the co-ordination of poverty alleviation programmes amongst all spheres of government to ensure that socio-economic conditions are improving for all Senqu Local Municipality residents. One could argue that although there was a slight decline from 2006 to 2016 in the percentage of people living in poverty, the influx of unemployed and unskilled illegal foreign nationals could further contribute to a rapid increase in the percentage of people living in poverty in the Senqu Local Municipal area.

### **3.7.3 Youth Employment and Income Challenge**

The Senqu LED (2018:57-58) states that the Senqu Local Municipality shows a gap between the labour force participation rate and the unemployment rate decrease, which indicates a negative outlook for the employment which consists of a high unemployment rate of youth. They had an economically active population of 36 900 in 2016, which is 26.06% of its total population of 142 000. Even though they are not all employed as in 2006, the unemployment rate was 28.3% which decreased to 27.1% in 2016 with a high unemployment rate of a very youthful population with existing needs of increasing the focus on assisting them to acquire the right skills such as agriculture, artisan, computer skills and finance to operate in today's economy. Considering the above, one could argue that the continued influx of illegal foreign nationals could further contribute to an increase in the unemployment rate in the Senqu Local Municipal area.

### **3.7.4 Literacy and Skills Challenge**

The number of illiterate individuals in Senqu Local Municipality has decreased on average by 2.49% annually from 2006 to 2016, with the number of functional literate people increased to 2.31% annually. By 2016, 69.33% of the population was functionally literate, which is an increase of 0.11 percentage points since 2006 (58.30%). The Senqu Local Municipality area has a low level of skills with 43.34% of the number of people without schooling. The lack of appropriate skills together with the choice of school subjects affects the performance of the economy, as much as it affects the delivery of basic services (Senqu LED Strategy, 2018:58). One could argue that the influx of illiterate illegal foreign nationals could further contribute to an increase in the number of people without proper education or schooling.

### **3.7.5 Growth Challenge**

In 2016, the Senqu Local Municipality area reached an annual growth rate of 0.65%. Similar to the short-term growth rate of 2016, the longer-term average growth rate for Senqu Local Municipality (2.61%) is also slightly higher than that of South Africa (2.12%). The economic growth in Senqu Local Municipality peaked in 2007 at 9.42%. The reason for limited growth can be attributed to over-dependency of the economy on

the services sector, significant spending outside the Senqu Local Municipality area, poor performance of agriculture, trade and manufacturing sectors, low income levels that are not smart for investors, decaying and outdated infrastructure especially rural roads, distance from markets, lack of innovative value add approach to the economy, effects of recession and globalisation, no functioning industries in the area and limited entrepreneurial skills (Senqu LED Strategy, 2018: 59).

### **3.7.6 Institutional Challenge**

The Senqu LED Strategy (2018:60) states that Senqu Local Municipality lacks appropriate institutional networks and systems to support the LED and improve stakeholder participation in LED such as local business forums, whereby the participation of the business sector in LED processes has always been minimal which affects the co-operation between the various sectors of government. As a result, this needs to be improved for better monitoring and focus on certain projects to be achieved. The Senqu LED Strategy (2018:48) states that the Senqu Local Municipality employs the lowest number of people with the largest recordings in employment in economic and community services sector.

## **3. 8 PERCEIVED IMPACT OF ILLEGAL FOREIGN NATIONALS INFLUX ON SELECTED SOCIO-ECONOMIC CONDITIONS ON LOCAL COMMUNITIES OF SENQU LOCAL MUNICIPALITY**

According to the Senqu Local Municipality IDP (2017:20), the Senqu Local Municipality has no migration by-laws, which results in many illegal foreign nationals residing within the municipal area. The influx of illegal foreign nationals directly affects the fulfilment of basic human rights as everyone has basic human needs irrespective of their legal status. McLeod (2007:4) shows that Maslow identified basic human needs in a form of hierarchy whereby the physiological needs are stated as the natural requirement for human survival since the human body cannot function optimally without them being satisfied. When these needs are fulfilled, the socio-economic conditions become affected as these needs are constitutionally shared with the foreigners that are present in the country. Aminaka (2013:109) adds that foreigners are not allowed to enter South Africa illegally and as a

result the “Interdepartmental Committee on illegal aliens” was formed by various Ministers such as the Minister of Home Affairs, Justice, Correctional Services and Foreign Affairs, as well as the South African Police Service, the South African National Defence Force (SANDF) and Intelligence so as to deal with the illegal entry of foreigners. One could argue that the latter has not had a real effect due to the continued influx of illegal foreign nationals into RSA and in particular into the Senqu Local Municipal area.

### **3.8.1 Perceived impact on health care conditions**

The Department of Health of the Eastern Cape Provincial Government renders the most important health care service to the local communities of Senqu Local Municipal area. According to the Senqu Local Municipality IDP (2017:20), Senqu Local Municipality has no migration plan or by-laws in place, as a result, healthcare conditions can be negatively affected by the continued influx of illegal foreign nationals in the area. Section 27(1)(a) of the *Constitution*, 1996 states that every individual must get proper medical treatment in South Africa, irrespective of their legal status. Maphumulo and Bhengu (2019:9) add to the discussion by stating that in South Africa it is unconstitutional to deny anyone access to basic healthcare services, even illegal foreign nationals, which leads to overcrowding and a lack of resources. Essential services involve the health care service rendered by emergency health service staff such as nursing, medical and paramedical services (Rikwe, Gie and Ballard, 2019:226; Le Roux and Cohen, 2016:6). Moreover, Section 213(a) of the Labour Relations Act (Act 66 of 1995) maintains that essential services, if interrupted, can endanger the life, personal safety or health of the whole or any part of the population.

The Senqu Local Municipality IDP (2017:21) states that the illegal foreign nationals cause many social problems for them and their families as they put various departments under pressure to provide health care and essential social services for them, which has a negative impact on health care services in the areas. The Eastern Cape Provincial Department of Health in the Senqu Local Municipal area have limited resources available to render health care services for the local community. There are only four hospitals in the area, namely in Barkly East, Lady Grey and two in Sterkspruit, 20 fixed clinics, one satellite clinic, eight mobile clinics, five health posts and two community-based services in Sterkspruit and one in Barkly East, serving all the farms of the Senqu Local Municipal

area with the inability to attract and retain health care professional staff. The road to Mlamli Hospital is in a very bad condition and the health care infrastructure are poorly maintained which affects health care delivery in the area to local communities.

In addition to the discussion, Landau (2008:1) states that the perceived impact of the influx of illegal foreign nationals on the Department of Health results in an increased need of antiretroviral treatment at all public health providers. Thus, the Department of Health is faced with the challenge of having an increased need of beds, patient's meals, wards, nurses and burying of paupers. Vearey, Modisenyane and Hunter (2017:92) add further the perceived impact of the influx of illegal foreign nationals on healthcare facilities by stating that the persons may pose a challenge in a lack of papers, experiencing language barriers and facing discrimination from healthcare providers. From the above discussion, it may be inferred that although municipalities are not responsible to provide health care services, the continued influx of illegal foreign nationals seeking health care assistance in the Senqu Local Municipal area means that local communities have to compete with illegal foreign nationals for health care services. The continued influx of illegal foreign nationals seeking health care services in the area could also have an effect on limited resources available from the Department of Health of the Eastern Cape Province to provide health care services to local communities in the region.

### **3.8.2 Perceived Impact on Housing Services**

The Senqu Local Municipality IDP (2017:84) states that there is a housing backlog in the Senqu Local Municipality which is determined as 10 761 with 1 752 in the urban area and 9009 in the rural area. The Senqu Local Municipality does not have a qualified housing department to manage housing receivers and there are 381 households residing in informal flats and backrooms which reveals a clear demand for rental housing in urban areas. A total of 1 272 households residing in informal settlements clearly shows a demand for an informal settlement upgrade or rental housing with an estimation of around 2 900 structures requiring formalisation (Senqu Local Municipality, IDP, 2017:89-92). Furthermore, there is no integration of settlements as housing developments were planned in a fragmented manner without future growth in mind and building of schools, libraries, clinics electricity installations or upgrading of existing electricity lines. The Senqu Local Municipality Integrated Development Plan (2017:109) further maintains that the new

housing developments affect the Senqu Local Municipality communities in access to electricity, as there are some areas that still need to be electrified either in the form of electricity installation or in upgrading of their existing lines. In addition, the Senqu Local Municipality IDP (2017:31) states that most Senqu Local Municipality households enjoy access to the RDP with lowest levels of basic services in respect of housing (95.16%).

Ndlovu (2016:95) states another problem related to housing being that people living in the margins of society feel that they must compete with foreigners in the housing delivery application process. Moreover, Ubisi (2019:456) and the National Council of Provinces (2018:97) argue by stating the other negative impact of the influx of illegal foreign nationals is when the local residents are selling RDP houses to illegal foreign nationals who obtained RSA identity documentation in a fraudulent way. Section 26(1) of the *Constitution*, 1996 provides that everyone has the right to have access to adequate housing. Alimohammadi and Muller (2019:815) further added that even if the illegal foreigner occupies a house illegally, they are entitled to temporary emergency accommodation whereby their stay must be regularised when they are evicted. The National Department of Human Settlements (2016:136-138) adds that most foreigners live in informal settlements, and it is not possible to account for every illegal foreigner who has benefited from RDP houses illegally. Ubisi (2019:461) avers by providing a housing solution by stating that illegal foreign nationals who accessed RDP houses through corrupt ward councillors should be arrested. One could argue that the influx of illegal foreign nationals could further contribute to a current challenge of housing as the Senqu Local Municipality area has a housing backlog, does not have an accredited housing department to manage the housing beneficiaries, has 381 households residing in informal flats and backrooms and 1 272 households residing in informal settlements.

### **3.8.3 Perceived Impact on Employment Opportunities**

South Africa is one of the countries that experiences a high rate of movement of people including illegal foreign nationals crossing the borders without documentation and in need of employment opportunities. In terms of Section 38(1)(a) of the *Immigration Act*, 2002 no person shall employ an illegal foreign national. Letseka and Breier (2008:7-8) point out that a conflicting situation is created by local employers who prefer to employ non-South Africans without documentation in domestic, gardening, farming and

construction sectors. According to the Senqu Local Municipality Integrated Development Plan (2017:9), the unemployment rate of the Senqu Local Municipality population is 35.5 % of people who are actively searching for work. The majority of the population live in rural villages and rely mostly on social grants. From 2000 to 2010 the Senqu Local Municipality have had a negative formal employment growth of -2.27% caused by the poor performance of agriculture, the trade and manufacturing sector, over-dependency on the services sector, and the global recession. In addition, the Senqu Local Municipality IDP (2017:29) adds that agriculture has shifted from being the largest employer (46.9%) in 2000 to being second largest (36.3%) in 2010, the finance sector increased from 2.9% to 7.5% formal employment over the last decade (7.5% pa), mining (6.7% pa) and manufacturing (5.9% pa) sectors. Manufacturing employment increased from 267 to 471 workers over the same period and all manufacturing sub-sectors have seen positive rates of growth in formal employment. The Senqu Local Municipality IDP (2017:20) further states the municipality has a very high youth population which means that there is a high need for employment and employment opportunities for the youth in the area. Considering this, the continued influx of illegal foreign nationals into the Senqu Local Municipal area negatively effects employment opportunities for local residents, including the unemployed youth in the area.

#### **3.8.4 Perceived Impact on Basic Service Delivery including water, electricity and sanitation**

The presence of illegal foreign nationals can also negatively affect the provision of basic service delivery such as water, electricity, and sanitation services in Senqu Local Municipality as the resource for such services are minimal. Local residents in most municipal areas are of the opinion that poor and or the lack of basic services, will be solved or at least ease off as soon as illegal foreign nationals are forced to leave and the poor service delivery related to access to housing, water and sanitation, electricity, recreation facilities, and other state-provided services becomes the primary concern of local communities (Solomon and Kosaka, 2013:9; African Centre for Migration and Society, 2017:26; Misago, Landau and Monson, 2009:33).

According to the Senqu Local Municipality IDP (2017:91-101), the water, sanitation and electricity systems are limited and poorly maintained. The water sources in the area are

the Jozanashoek dam, Lady Grey dam, Barkly East dam, boreholes, and rivers that supply Senqu Local Municipality area with water. The Senqu Local Municipality IDP (2017:91-102) further states that it has been estimated that R149,603,738 is required for water and R93,901,795 for sanitation in order to address the backlog of eradication, operation and maintenance of existing water services schemes, water backlogs and illegal links in the rural area. In addition, the Senqu Local Municipality IDP (2017:9-10) provides that only 6,7% of the population is without any access to sanitation. A concern is raised that poorly designed water and sanitation systems were not created to cope with the added demands placed upon them and have come to the end of their lifespan. The Senqu Local Municipality IDP (2017:10) further states that the electricity network covers most of the area, with 93,2% for lighting purposes. The municipality is responsible for supplying electricity to Sterkspruit, Lady Grey and Barkly East. Rural areas, including Rhodes and Herschel, are supplied by ESKOM and major electricity backlogs is where 11 498 households do not have access to basic electricity services due to high leakages attributed to aging infrastructure, poor metering and incorrect accounting and insufficient resources. Households with no access to electricity are supplied with 10 litres of paraffin and 6 candles per month as the electricity department does not have sufficient resources to attract the necessary expertise.

### **3.8.5 Perceived Impact on Education**

Education is one of the rights enshrined in the supreme law of the country, namely the *Constitution*, 1996. In terms of Chapter 2 of the *Constitution*, 1996 Sections 29(1)(a) everyone has the right to a basic education, including adult basic education. According to the Immigration Regulations, 413 of 2014 Section 12(1)(a) provides that a foreigner must submit an official letter confirming provisional acceptance or acceptance at a learning institution and the duration of the course. Section 39(1)(a) of the *Immigration Act*, 2002 upholds that no learning institution shall knowingly provide training or instruction to an illegal foreigner. Even though the provisions are made, it appears that there is no proper respect for these provisions. The challenge has been escalated up to the high court, whereby the judgement was made in December 2019, whereby the Eastern Cape High Court: Case number 2840/2017 ordered the Eastern Cape Department of Education to admit all children who are not in possession of an official birth certificate into public schools in the Eastern Cape Province. Moreover, where a learner cannot provide a birth

certificate, the principal of that relevant school must take other proof of identity such as a sworn affidavit from the parent, caregiver, or guardian of the learner wherein the learner is fully identified. The Senqu Local Municipality area has the second lowest level of education, a total of 47% of the population having only a primary school education in the area. There are 153 schools of which 68 are primary, 17 are secondary and only one tertiary education facility, which is the further education and training (FET College) in Sterkspruit. In addition, there are 63 combined and five early childhood development centres in the area (Senqu Local Municipality, IDP, 2017:36). One could argue that the influx of illegal foreign nationals could have a negative impact on education in the Senqu Local Municipal area as it has the second lowest level of education with minimum facilities.

### **3.9 SUMMARY**

In this chapter, the theoretical overview of socio-economic development of local communities with specific reference to the perceived effect of illegal foreign nationals on socio-economic conditions in the Senqu Local Municipality was discussed. An overview of policy and the national legislative framework for local government and local economic development of local communities was discussed. It was accentuated in this chapter that in terms of Section 152 of the *Constitution*, 1996 municipalities should promote the social and economic development of local communities. public works and community works programme. The employment and job creation of local communities in Senqu Local Municipality as part of its LED strategy has also been discussed.

From the discussion in this chapter, it may be inferred that the continued influx of illegal foreign nationals could place a burden on the existing high poverty rate, unemployment rate, existing housing backlog and the provision of basic service delivery in the area. Furthermore, it was accentuated in the chapter that the continued influx of illegal foreign nationals in Senqu Local Municipal area could have a negative effect on the provision of education and health care services due to limited resource available to the Eastern Cape Provincial Departments of Health and Education to provide health care and education services to local communities in the Senqu Local Municipality area. The next chapter outlined the research methodology, findings and results of the study.

## **CHAPTER FOUR: RESEARCH METHODOLOGY, FINDINGS AND RESULTS OF THE SEMI-STRUCTURED QUESTIONNAIRE AND INTERVIEWS**

### **4.1 INTRODUCTION**

The previous chapters outlined the theoretical framework and literature framework for the study. An in-depth literature study and an empirical study were conducted, with the aim of achieving the research objectives and answering the research problem outlined in Chapter 1 of this study. The main aim of the study was to positively contribute to the effective management and regulations of illegal foreign nationals to improve the selected socio-economic conditions in Senqu Local Municipality in the Eastern Cape Province.

This chapter examines the research methodology, the approaches, the research design, validity, reliability, and data analysis of the empirical study and further focuses on the results attained from the semi-structured questionnaire and interviews in order to make recommendations to manage illegal foreign nationals and to improve the selected socio-economic conditions in Senqu Local Municipality in the Eastern Cape Province.

### **4.2 Research Methodology and Research Paradigm**

According to Bless, Higson-Smith and Sithole (2014:20), research methodology refers to the most appropriate way of gathering data to address the research questions. This study was based on qualitative research. Qualitative research methods were used to describe a phenomena or people's behaviour, themes in behaviors, attitudes or trends or relations between people's actions (Du Plooy-Cilliers, Davis and Bezuidenhout, 2014:12). By following a specific research paradigm, the researcher implements a specific way of studying phenomena in a related field. The three major types of paradigms, include positivism, post-positivism or interpretivism and pragmatism paradigms (Du Plooy-Cilliers *et al.*, 2014:23-27). Wellman and Mitchell (2005:6) state that the positivism paradigm accepts knowledge to be true if it is created through scientific methods. Therefore, the positivistic paradigm (quantitative) underlies the natural-scientific method in human behavioural research that entails that research must be limited to what can be observed and measured. On the other hand, the post-positivism or interpretive paradigm assists the researcher to understand a phenomenon through the

meanings that people assign to it. Kaushik and Walsh (2019:2-3) state that a pragmatism paradigm is linked with mixed-methods or multiple-methods, and it accepts that there can be single or multiple realities that are open to empirical inquiry. This study was based on the interpretive paradigm (qualitative research) that was applied by answering the research questions for this study.

### **4.3 Research Approach and Design**

Wellman *et al.* (2005:6-7) argue that there are two main approaches to research, namely a quantitative approach and qualitative approach. Quantitative research underlies the natural scientific methods and holds that research must be limited to what can be observed and measured objectively. Quantitative research employs methods such as experiments, surveys and structured questionnaires to describe and explain phenomena. Qualitative research makes use of important methods to this study such as case studies, in-depth interviewing of key informants, participant observation and questionnaires, and perusal of personal documents (such as life histories, diaries and autobiographies).

According to Bless *et al.* (2014:130), the research design details how the researcher is going to perform certain tasks and what procedures will be followed to answer the research questions. Cooper and Schindler (2003:149) maintain that research design refers to a general plan on how the researcher goes about answering the research questions. This study was based on a descriptive case study research design. Du Plooy-Cilliers *et al.* (2014:176-179) aver that a descriptive case study design refers to an attempt to understand phenomena within a particular circumstance, therefore a case study design describes a real-life situation by strictly describing the scenario in which the phenomenon occurs.

### **4.4 Population and Sampling**

According to Bless *et al.* (2014:162), the research population refers to the entire set of people or objects which will be the focus of the research about which the researcher wants to determine some characteristics. The sample refers to a smaller group or subset selected from the research population whose characteristics will be generalised to the entire population. The research population of this study comprised of all employees

from the various government structures or departments who are directly involved in the management of illegal foreign nationals within the Joe Gabi District Municipality and the Senqu Local Municipality in the Eastern Cape Province. The Senqu Local Municipality is affiliated to the Joe Gabi District Municipality.

The sample size in qualitative studies depends on what the researcher wants to investigate, what will be useful, what will have credibility and what can be done with the available time and resources (Maree *et al.*, 2017:84). Maree *et al.* (2017:84) further aver that 15 is the smallest acceptable sample size in qualitative research. In this study, the purposive sampling method as a non-probability sampling method is used to select the sample. According to Bless *et al.* (2014:172), the purposive sampling method is used based on the judgement of a researcher regarding the characteristics of a representative sample. Therefore, purposive sampling was used to select the 36 participants who were categorised as follows: Eighteen are the employees from the various government departments, four traditional leaders from four traditional councils and four community members as believed to be directly affected by the presence of illegal foreign nationals and ten participants who are the employees in the Senqu Local Municipality. The selected 36 participants are indicated below:

<b>Department / Municipality</b>	<b>Occupation</b>	<b>Place</b>
Social Development	Local Office Manager	Sterkspruit office
Social Development	Social Work Supervisor	Sterkspruit office
Social Development	Social Work Supervisor	Lady Grey office
Social Development	Social Work Supervisor	Barkly East office
Doj and CD	Prosecutor from magistrate court	Sterkspruit office
Doj and CD	Prosecutor from regional court	Sterkspruit office
Doj and CD	Prosecutor from magistrate court	Barkly East office
SAPS	Visible Policing Commander	Sterkspruit Police Station
SAPS	Visible Policing Commander	Phumalanga Police Station in Sterkspruit
SAPS	Visible Policing Commander	Palmietfontein Police station in Sterkspruit
SAPS	Visible Policing Commander	Lady Grey Police Station

DHA	Civic Services Supervisor / Acting Immigration Control	Sterkspruit office
DHA	Port Manager	Tellebridge port of entry, Sterkspruit
SANDF	Military commander	Deployed at border post in Tellebridge, Sterkspruit
Department of Health	Hospital Manager	Empilisweni Hospital from Sterkspruit
Department of Health	Hospital Manager	Umlamli Hospital from Sterkspruit
Department of Health	Hospital Manager	Cloete Joubert Hospital in Barkly East
Department of Health	Hospital Manager	Lady Grey
Cooperative Governance and Traditional Affairs	Traditional leader from Amahlubi traditional council	Sterkspruit
Cooperative Governance and Traditional Affairs	Traditional leader from Amavundle traditional council	Sterkspruit
Cooperative Governance and Traditional Affairs	Traditional leader from Basotho traditional council	Sterkspruit
Cooperative Governance and Traditional Affairs	Traditional leader from Batlokoa traditional council	Sterkspruit
Senqu Local Municipality	Municipal Manager	Lady Grey
Senqu Local Municipality	CFO	Lady Grey
Senqu Local Municipality	Chairperson of the Municipal Standing Committee Accounts Committee	Lady Grey
Senqu Local Municipality	IDP/LED	Lady Grey
Senqu Local Municipality	Ward 2 Councillor	Sterkspruit
Senqu Local Municipality	Ward 3 Councillor	Sterkspruit
Senqu Local Municipality	Ward 4 Councillor	Sterkspruit
Senqu Local Municipality	Ward 6 Councillor	Sterkspruit
Senqu Local Municipality	Ward 7 Councillor	Sterkspruit

Senqu Local Municipality	Ward 17 Councillor	Sterkspruit
Senqu Local Municipality	Community member	Makhumsha Location in Sterkspruit
Senqu Local Municipality	Community member	Bhebheza Location in Sterkspruit
Senqu Local Municipality	Community member	Qhoboshane Location in Sterkspruit
Senqu Local Municipality	Community member	Makhetheng Location in Sterkspruit

Except for the above convenience sampling, which is a non-probability sampling method, was also used to select 10 members of the Senqu Local Municipality with whom semi-structured interviews were conducted to elicit information about the perceived impact of illegal foreign nationals on the provision of service delivery to the local communities of Senqu Local Municipality. According to Salkind (2018:91), convenient sampling can be used when the members of the population are convenient to sample.

#### 4.5 Data Collection Methods

Information for this study was required from both secondary and primary sources. This method is preferred because both primary and to a larger degree, secondary information sources are readily available. Specific information concerning the management of illegal foreign nationals and the challenges concerning illegal foreign nationals and their perceived impact on selected social-economic conditions, in particular within municipal areas, was extracted from municipal reports and government departmental annual review reports, recent dissertations and theses. Information was also gathered by means of a semi-structured questionnaire and a semi-structured interview schedule to conduct interviews with selected employees of the different departments who are directly involved in the management of illegal foreign nationals and illegal foreign nationals within the Senqu Local Municipality, affiliated to the Joe Gabi District Municipality in the Eastern Cape Province. In this study, a semi-structured questionnaire and interview schedule was used to collect data from the selected respondents about the perceived impact of illegal foreign nationals on certain socio-economic conditions in Senqu Local Municipality.

## 4.6 Data Analysis

Data analysis refers to a continuous process of describing, classifying and interpreting data. Data analysis is the conversion of raw data into valuable, meaningful information for the researcher (Bless *et al.*, 2014:20). Data from the questionnaire was coded by the researcher. A statistician captured the data electronically in Microsoft Excel and the analysis was done using SAS Version 9.2. Descriptive statistics, namely frequencies and percentages, were calculated for categorical data of the semi-structured questionnaire. According to Bless *et al.* (2014:348) descriptive statistics may be used on qualitative data, such as in the case of a self-administered semi-structured questionnaire. Means and standard deviations were calculated for numerical data. The Shapiro-Wilk test was used to investigate if variables followed a normal distribution. According to Henning (2017:127) data analysis of qualitative data is transcribed, and the transcriptions are analysed either manually or with the aid of a computer programme, correlations or relations between different categories or themes may be studied and a picture of the data may be built. In this study, a manual thematic analysis was used to make sense of the data collected from the semi-structured interviews. The responses were listed and interpreted to make sense and to create units of meaning, while different categories or themes were identified.

## 4.7 Validity and Reliability

According to Bless *et al.* (2014:236-237) reliability and validity of data in qualitative research can be acquired through the concept of trustworthiness based on four thoughts, namely credibility, dependability, transferability and confirmability. Maree *et al.* (2016:123) maintain that credibility refers to the accuracy with which the researcher interprets the data provided by the respondents. Confirmability refers to how well the data collected supports the findings and interpretation of the researcher. Transferability relates to the ability of the findings to be applied to a similar situation and to deliver similar results. Dependability refers to how well the process of integration takes place between the data collection methods, the data analysis and the theory generated from the data (Maree *et al.*, 2016:124-125). To ensure the validity and reliability of the semi-structured questionnaire and the semi-structured interview schedule, a pilot study was

conducted. An expert in the field of migration of the DHA was sought to complete the semi-structured questionnaire and the semi-structured interview schedule. Any inconsistencies and uncertainties regarding the two instruments were corrected before the semi-structured questionnaires were distributed and the semi-structured interviews conducted.

Reliability of an instrument means that if the same instrument is used at different times or administered to different respondents from the same population, the findings should be the same. Reliability acknowledges that for any measuring instrument to be seen as reliable, results must be consistent whenever they are repeated (Welman *et al.*, 2005:145; Bless *et al.*, 2014:222; Maree *et al.*, 2016:238). In this study the Cronbach's alpha coefficient was used to determine the reliability of the semi-structured questionnaire.

#### **4.7.1. Reliability (Cronbach's alpha)**

As a reliability internal consistency method Cronbach's alpha provides a measure of the extent to which the activities on a measurement scale provide consistent information. According to Chetty (2015:175), the scale in Cronbach's reliability test ranges from zero to one, which entails that a score close to one means that the instrument has high reliability, while scores close to zero means that the reliability of the instrument is very low. George and Mallery (2003) provide the following rules of thumb for the interpretation of  $\alpha$ :

- > 0.9 – Excellent reliability
- > 0.8 – Good reliability
- > 0.7 – Acceptable reliability
- > 0.6 – Questionable reliability
- > 0.5 – Poor reliability
- < 0.5 – Unacceptable reliability

#### **4.7.2 Results of the Cronbach's alpha of the semi-structured questionnaire**

In this study, Cronbach's alpha was calculated to investigate the internal consistency

between activities of a subscale. A significance level ( $\alpha$ ) of 0.05 was used. In Section B of the semi-structured questionnaire, a reliability analysis on the impact of illegal foreign nationals on social environment comprising of eight activities resulted in a Cronbach's alpha ( $\alpha$ ) of 0.72 which indicates acceptable reliability.

In Section C of the structured questionnaire, a reliability analysis on the impact of illegal foreign nationals on the economic environment comprising of 10 activities resulted in a Cronbach's alpha ( $\alpha$ ) of 0.81 which indicates good reliability. Activity 4 was reversed for the analysis, so that the opposite is true.

In Section D of the semi-structured questionnaire, a reliability analysis on the borders and inland oversight and accountability on illegal foreign nationals comprising of 12 activities resulted in a Cronbach's alpha ( $\alpha$ ) of 0.89 which indicates good reliability.

#### **4.8 FINDINGS AND RESULTS OF THE SEMI-STRUCTURED QUESTIONNAIRE**

The semi-structured questionnaire consisted of the following sections:

- Section A: Biographical Information (comprised of ten close-ended statements).
- Section B: Impact of Illegal Foreign Nationals on Social Environment (comprised of eight close-ended statements using a five-point Likert scale, two open-ended statements and one more open-ended statement).
- Section C: Impact of Illegal Foreign Nationals on Economic Environment (Comprised of nine close-ended statements using a five-point Likert scale).
- Section D: Borders and Inland Oversight and Accountability on Illegal Foreign Nationals (Comprised of 13 close-ended statements using a five-point Likert scale and one open-ended statement).

The results for the 26 respondents were discussed in the sections below. The Senqu Local Municipality in the Eastern Cape will for the rest of the chapter be referred to as the “municipality”.

## 4.8.1 Section A: Biographical Information

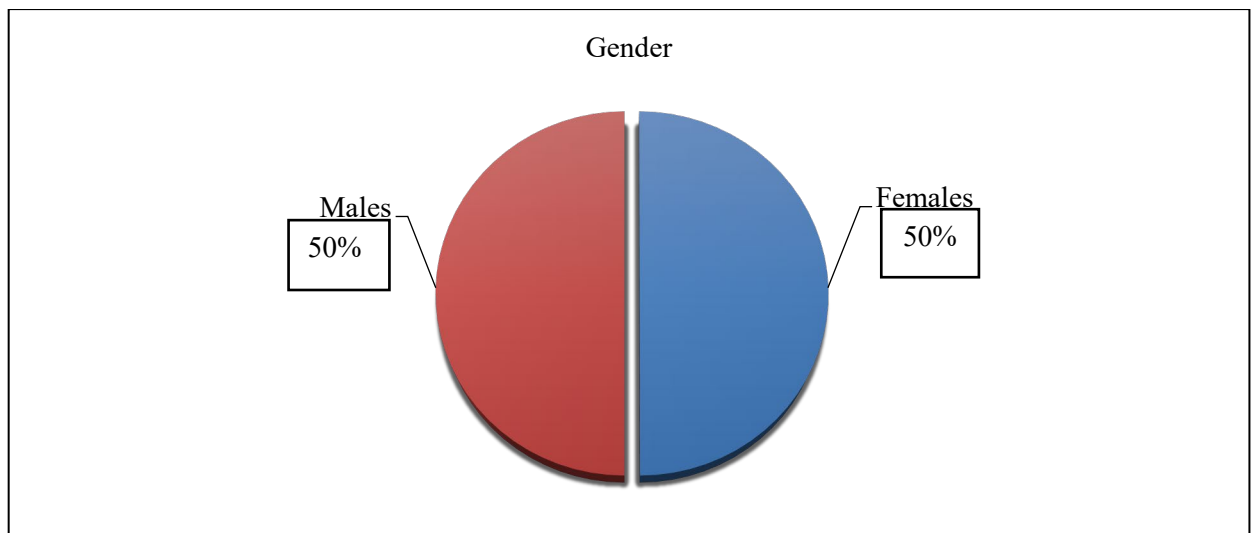
This section contains the results of the respondents' biographical information which includes ethnicity, gender, disabilities, home language, age group, occupation, highest level of education and the department currently employed.

### 4.8.1.1 Ethnic Group

All (100%) of the respondents are black, while none of the other ethnic groups were represented.

### 4.8.1.2 Gender

Figure 4.2. below shows the gender groups of the respondents.



**Figure 4.2: Gender of the respondents (n = 26)**

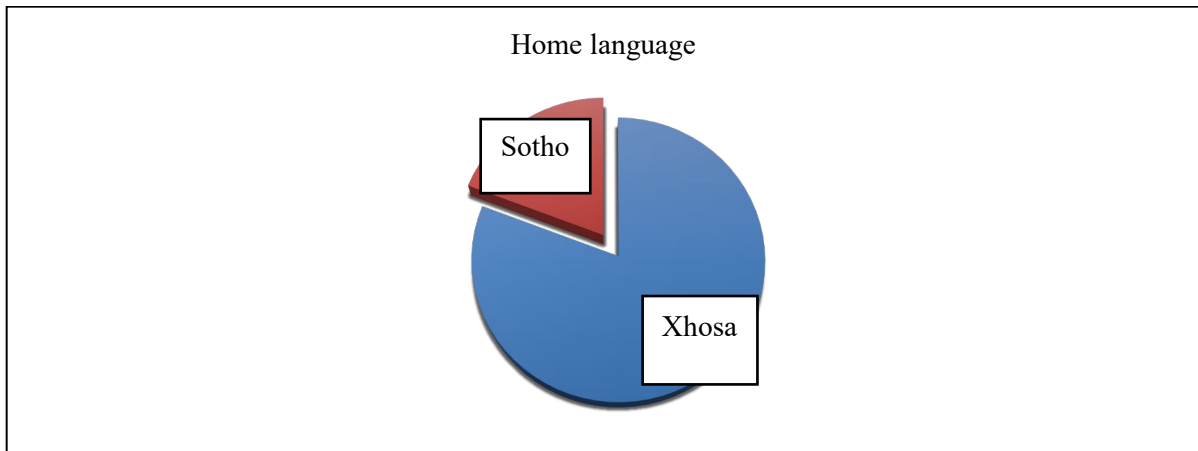
Figure 4.2. above illustrates that 50% of the respondents were male and 50% were female. Although the proportions of the gender groups are equal, it was not purposefully intended by the researcher.

### 4.8.1.3 Disabilities

None of the respondents (0%) indicated that they had any disability.

#### 4.8.1.4 Home Language

Figure 4.4 below shows the home language of the respondents.



**Figure 4.4: Home language of the respondents (n = 26).**

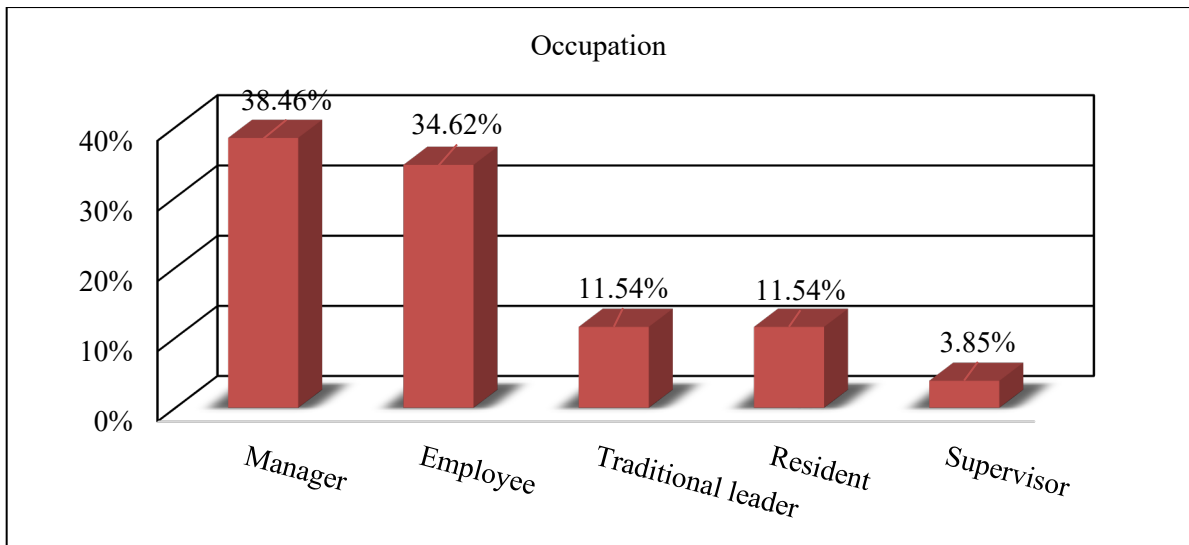
Figure 4.4 above illustrates that the majority of the respondents were Xhosa speaking (81%) and 19% were Sotho speaking.

#### 4.8.1.5 Age Distribution

According to the Shapiro-Wilk test the distribution of the age of the respondents follows a normal distribution ( $W = 0.96$ ,  $p = 0.3080$ ). Consequently, the mean and standard deviation of the age of the respondents are reported. The average age of respondents was 43 years ( $\pm 9$  years) with the youngest respondent being 27 years old and the oldest respondent being 69 years old.

#### 4.8.1.6 Occupation

Figure 4.6 below shows the occupation of respondents.

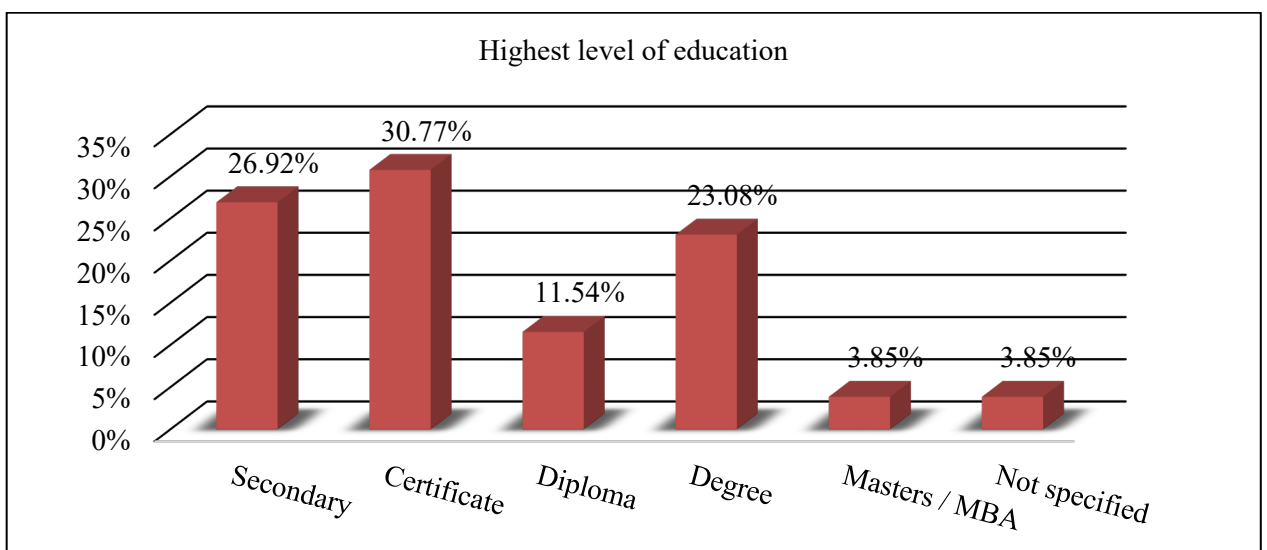


**Figure 4.6: Occupation of respondents (n = 26)**

From Figure 4.6 above a majority of 38.46% of respondents were managers of the various selected departments relevant to the study, 34.62% were employees of the various selected departments, 11.54% were a traditional leader in the community, 11.54% were residents in the community and 3.85% were supervisors in the various selected departments.

#### 4.8.1.7 Highest Level of Education

Figure 4.7 below shows the highest level of education of the respondents.



**Figure 4.7: Highest level of education of the respondents (n = 26).**

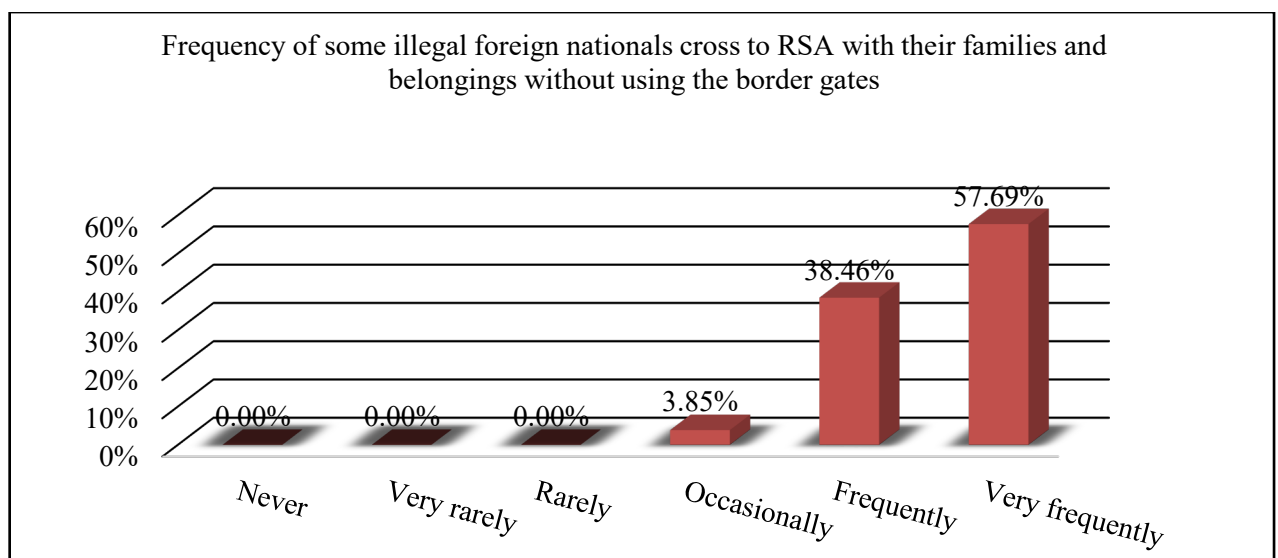
From Figure 4.7, above the majority of the respondents have a matric (30.77%) followed by 26.92% of the respondents that have a secondary education and 23.08% that have a degree. A total of 11.54% of the respondents have a diploma and 3.85% have a post graduate qualification. One respondent (3.85%) did not specify their highest level of education. The secondary education which is referred to in the study is the study from Grade 8 to 11.

#### 4.8.2 Section B: Perceived impact of illegal foreign nationals on the social environment of Senqu Local Municipality

Section B of the semi-structured questionnaire was designed to investigate the perceptions of the respondents regarding the perceived impact of illegal foreign nationals on the social environment of the municipality. This section consisted of 13 activities. For the first eight activities a Likert scale ranging from very frequently = 6, frequently = 5, occasionally = 4, rarely = 3, very rarely = 2, never =1 was used to investigate the perceptions of the respondents.

##### 4.8.2.1 Frequency of some illegal foreign nationals crossing into RSA with their families and belongings without using the border gates

The perception of respondents of how frequently some illegal foreign nationals cross to RSA with their families and belongings without using the border gates were illustrated in Figure 4.8 below.

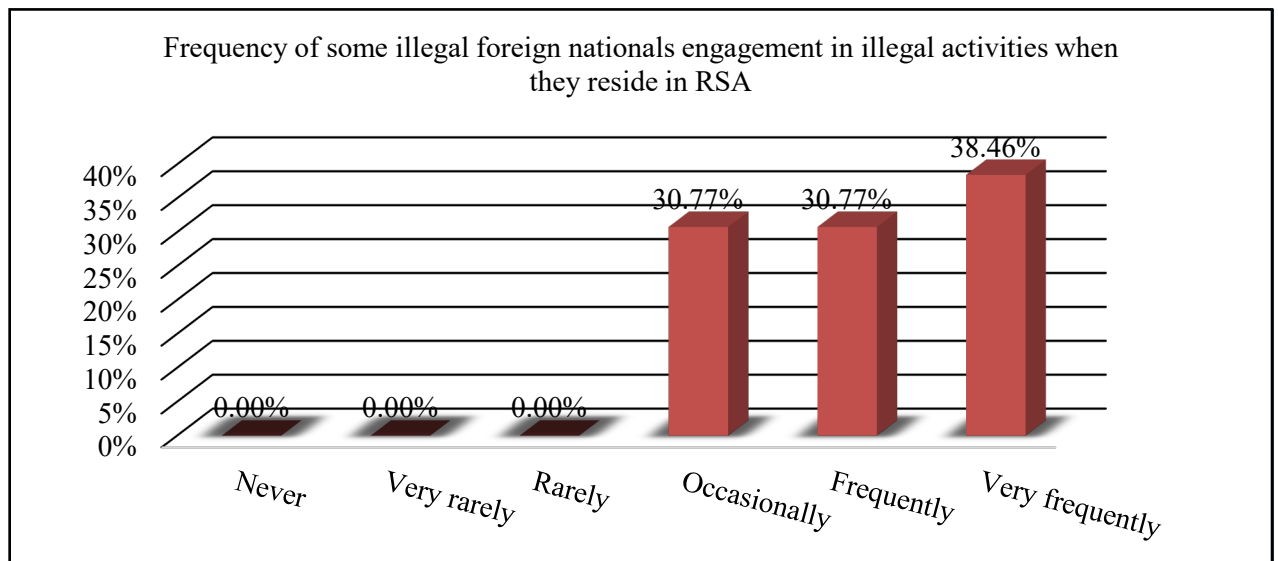


**Figure 4.8: Frequency of some illegal foreign nationals crossing to RSA with their families and belongings without using the border gates (n = 26).**

Figure 4.8. above shows that only 3.85% of the respondents indicated that some illegal foreign nationals occasionally cross into RSA without using the border gates with their families and belongings, while 38.46% of the respondents indicated that the action occurs frequently, a total of 57.69% of the respondents indicated that the action occurs very frequently. In Chapter 2 Section 2.7, of the study it was accentuated that in terms of the White Paper on International Migration for RSA (2017: 35) that illegal foreign nationals use illegal means such as border jumping to gain access to the country. A majority (57.69%) of the respondents said that some illegal foreign nationals cross to RSA without using the border gates with their families and belongings on a very frequent basis.

**4.8.2.2. Frequency of some illegal foreign national’s engagement in illegal activities when they reside in RSA.**

The perception of respondents on the frequency that some of the illegal foreign nationals engage in illegal activities when they reside in RSA are illustrated in Figure 4.8.2. below.

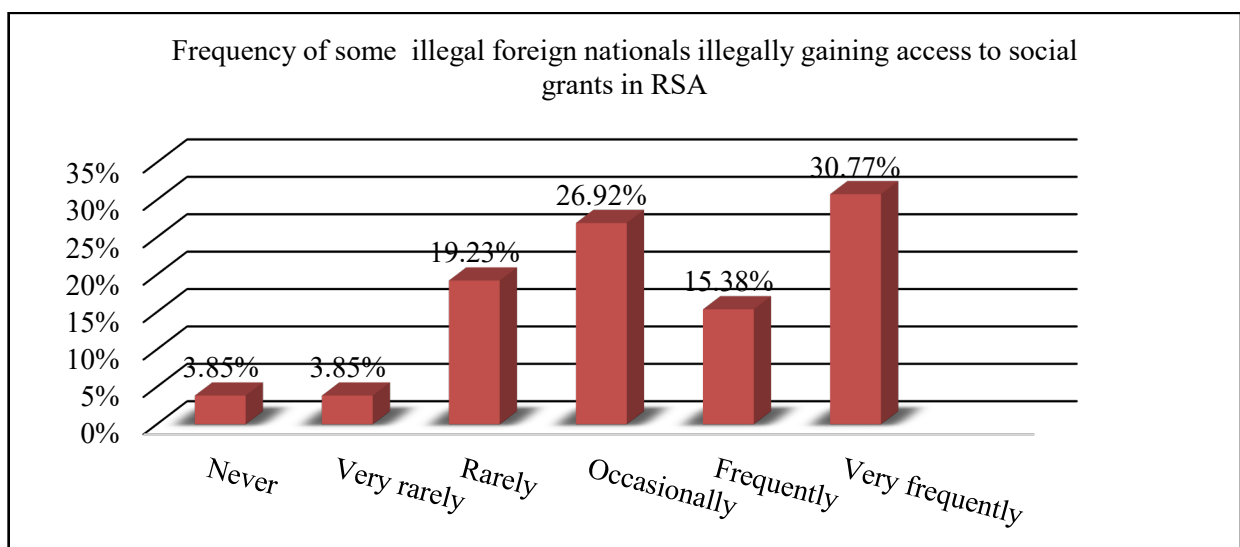


**Figure 4.9: Frequency of some illegal foreign national’s engagement in illegal activities when they reside in RSA (n = 26).**

Figure 4.9 above shows that only 30.77% of the respondents replied by stating that some illegal foreign nationals occasionally engage in illegal activities when they reside in RSA, while 30.77% of the respondents indicated that the action occurs frequently, and a majority of 38.46% of the respondents indicated that the action occurs very frequently. In Chapter 2, Section 2.4 of the study it was mentioned that illegal foreign nationals have been involved in illegal criminal activities. In Section 2.7 of this study, it was emphasised that illegal foreign nationals use illegal means such as border jumping to gain access to the country and be involved in various criminal activities such as smuggling drugs and trafficking people. It was further accentuated that these criminal activities cause a serious security threat to socio-economic stability and sovereignty of the country. This demands close monitoring such as effective and efficient control measures for influx control of illegal foreign nationals in RSA. A majority of the respondents replied frequently (30.77%) and very frequently (38.46%) that some illegal foreign nationals were engaged in illegal activities when they reside in RSA.

#### 4.8.2.3 Frequency of some illegal foreign nationals illegally gaining access to social grants

The perception of respondents on the frequency that some of illegal foreign nationals illegally gain access to social grants findings are illustrated in Figure 4.10 below.

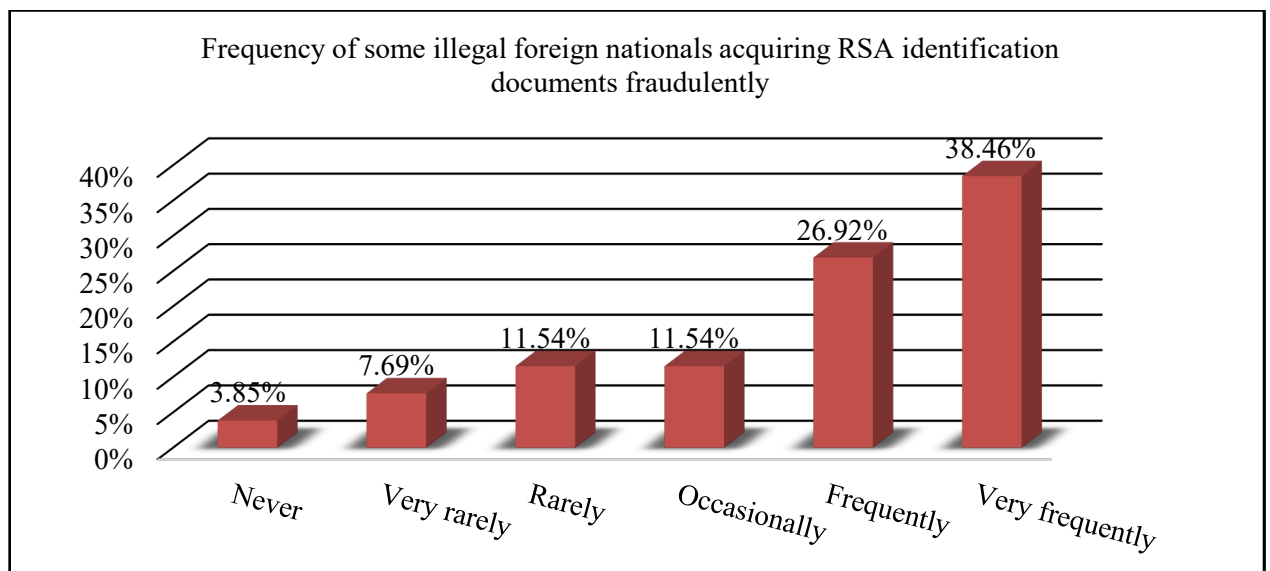


**Figure 4.10: Frequency of some illegal foreign nationals illegally accessing social grants in RSA (n = 26)**

Figure 4.10 above shows that only 3.85% responded by stating that the action has never happened, 19.23% of the respondents indicated that the action occurs rarely, 3.85% of the respondents indicated that the action occurs very rarely and 26.92% of the respondents agree that some illegal foreign nationals occasionally illegally access social grants in RSA, while 15.38% of the respondents indicated that the action occurs frequently, a majority of 30.77% of the respondents indicated that the action occurs very frequently. In Section 2.3.2 of this study, it was emphasised by Sontange (2019:52) that people with dual citizenship status can be completely engaged in a single nation as a citizen and enjoy all privileges, which means that they can negatively affect the economy as a person can unlawfully access services in multiple countries. The majority of the respondents (30.77%) indicated that the action occurs on a frequent or very frequent basis.

#### 4.8.2.4 Frequency of some illegal foreign nationals acquiring South African identification documents fraudulently

The findings on the perception of respondents on the frequency that some illegal foreign nationals acquire South African identification documents fraudulently are illustrated in Figure 4.11 below.

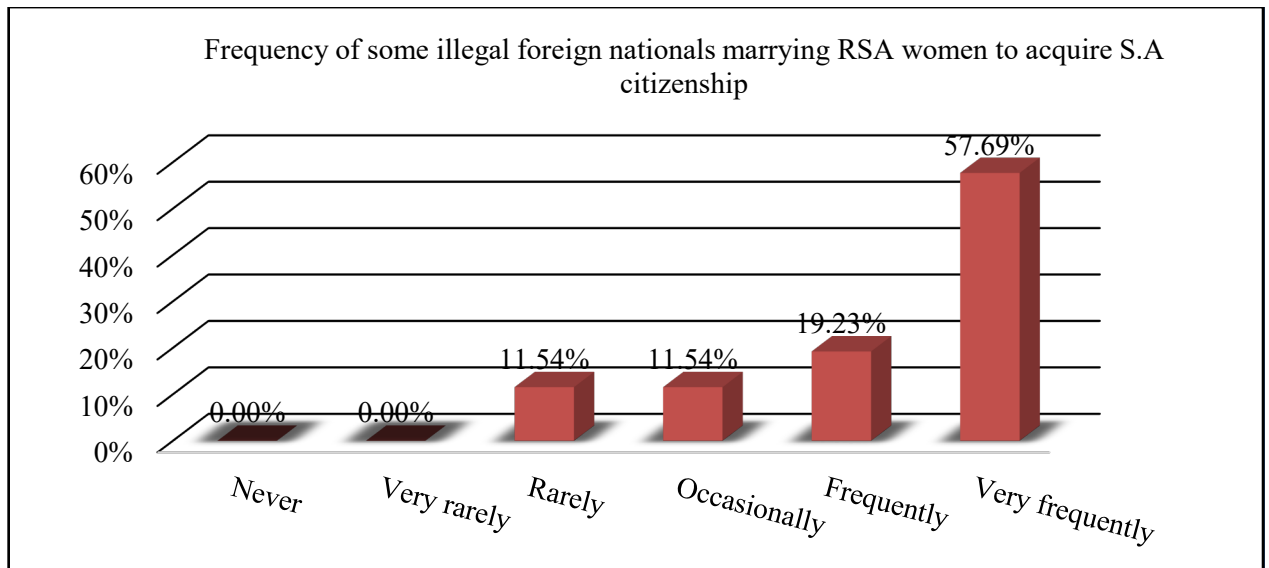


**Figure 4.11: Frequency of some illegal foreign nationals acquiring South African identification documents fraudulently (n = 26)**

From Figure 4.11 it is revealed that 3.85% stated that illegal foreign nationals never acquire South African identification documents fraudulently. Of the respondents, 7.69% stated that illegal foreign nationals acquire South African identification documents fraudulently very rarely and 11.54% stated rarely. A total of 11.54% of respondents indicated that some of the illegal foreign nationals occasionally acquire South African identification documents, while 26.92% respondents indicated that the illegal foreign nationals frequently acquire documents fraudulently and 38.46% of the respondents believe this occurs very frequently in their opinion. In Chapter 2, Section 2.4 of this study it was mentioned that illegal foreign nationals have been involved in criminal activities which results in weakening the state and its institutions through corrupt officials. It was emphasised in Section 2.7.1 of the study that there are various grounds that lead to the inadmissibility of immigrants when they are denied admission under those grounds and are grounds that are related to violation of legal documentation and ineligibility for citizenship. The majority of the respondents (26.92% frequently and 38.46% very frequently) responded that illegal foreign nationals acquire South African identification documents fraudulently.

#### **4.8.2.5 Frequency of some illegal foreign nationals marrying S.A women to acquire S.A citizenship**

The findings on the perception of respondents on the frequency that some of illegal foreign nationals marry S.A women to acquire S.A citizenship are illustrated in Figure 4.12 below.

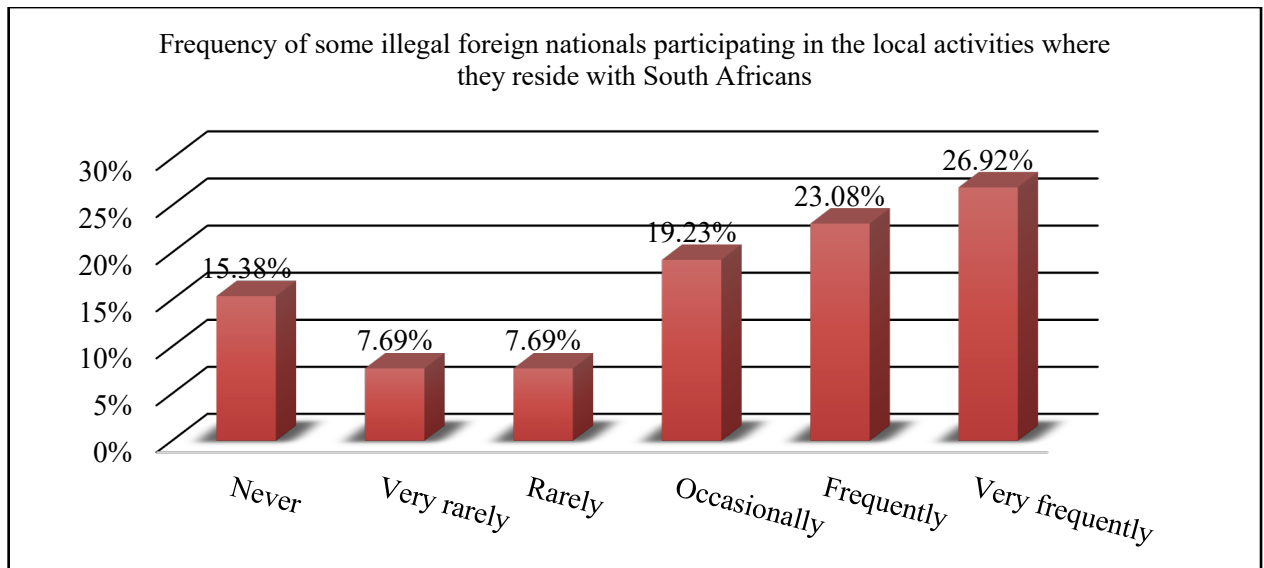


**Figure 4.12 Frequency of some illegal foreign nationals marrying S.A women to acquire S.A citizenship (n = 26)**

Figure 4.12 above shows that 11.54% of respondents stated that the action occurs rarely, while 11.54% of respondents believe that it happens occasionally. A further 19.23% of the respondents stated that frequently some illegal foreign nationals marry SA women to acquire SA citizenship, and 57.69% of the respondents stated that they believe this occurs very frequently. In Chapter 1, Section 1.1 of this study it was mentioned that the Department of Home Affairs (DHA) Annual Report of 2014/2015 (2015:82) provides that the inspectorate investigate the permanent residence applications arising from fraudulent marriages for obtaining permanent residence status in the country. The majority of the respondents stated that some of the illegal foreign nationals marry SA women to acquire SA citizenship frequently (19.23%) and very frequently (57.69%).

#### **4.8.2.6 Frequency of some illegal foreign nationals participating in local activities where they reside with South Africans**

The perception of respondents on the frequency that some illegal foreign nationals participate in the local activities where they reside within RSA. The findings are illustrated in Figure 4.13 below.

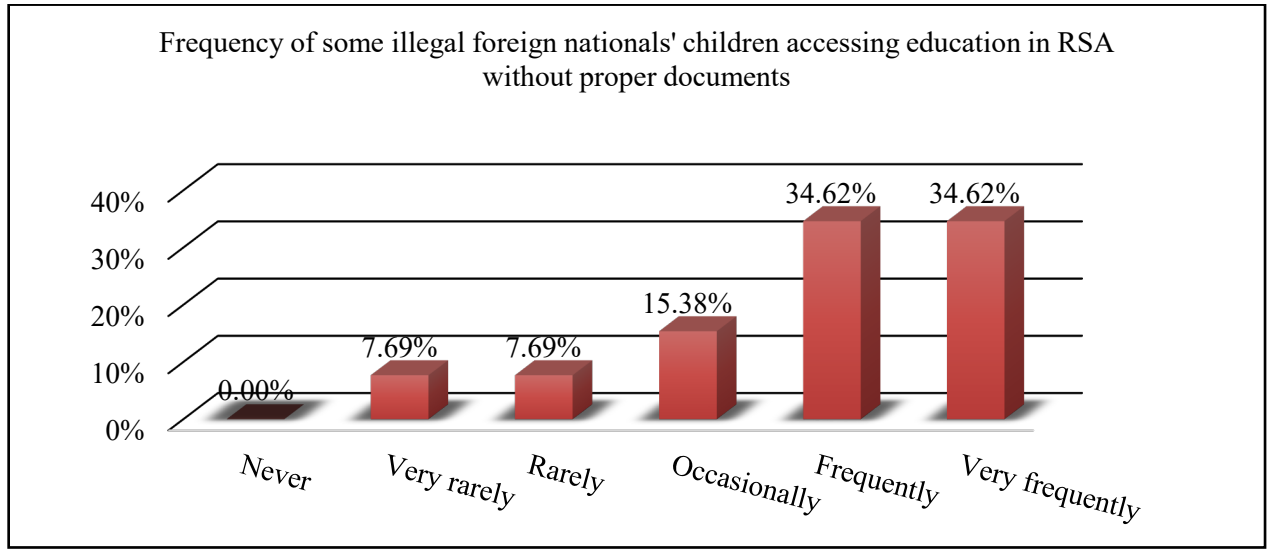


**Figure 4.13: Frequency of some illegal foreign nationals participating in the local activities where they reside with South Africans (n = 26)**

Figure 4.13 above shows that 15.38% of the respondents stated that this action never occurs, 7.69% stated that the action occurs rarely, 7.69% stated that the action occurs very rarely, while 19.23% of respondents believe that some of the foreign nationals participate in the local activities where they reside with South Africans occasionally. A further 23.08% of the respondents stated that frequently some of the foreign nationals participate in local activities where they reside with South Africans, while 26.92% of respondents stated that very frequently some foreign nationals participate in local activities where they reside with South Africans. In Chapter 2, Section 2.6.1.1 of the study it was mentioned that the involvement of migrants in civic affairs or local affairs becomes a problem as they see cities as transit sites, they may not want to be included in their social or political structures. Segatti and Landau (2011:91-92) emphasise (Chapter 2, Section 2.6.1.1) that there is exclusion tendency of migrants from public consultations as they are not regularly invited to partake in community policing forums, stakeholder forums, residents' associations meetings, or meetings hosted by local ward councillors which leads to a lack of social cohesion action between nationals and foreigners that can result in criminal activities such as shoplifting and murder which thereby impacts negatively on the country's economy and increased rate of crime. The responses revealed that the majority (23.08% frequently and 26.92% very frequently) of the respondents believe that some of the foreign nationals participate in the local activities where they reside in South Africa.

#### 4.8.2.7 Frequency of some illegal foreign nationals’ children accessing education in RSA without proper documentation

The perception of respondents on the frequency that some of illegal foreign national children access education in RSA without proper documentation findings are illustrated in Figure 4.14 below.



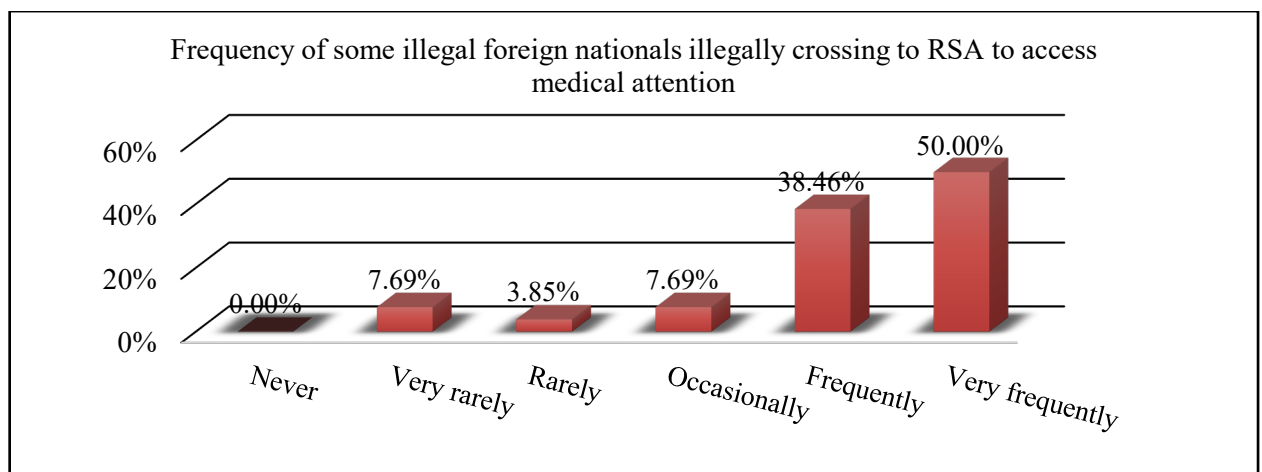
**Figure 4.14: Frequency of some illegal foreign national children accessing education in RSA without proper documents (n = 26)**

Figure 4.14 above illustrates that none of the respondents replied by stating that illegal foreign nationals’ children never access education in RSA without proper documents, 7.69% responded by stating that they participate on a rare and very rare basis. A further 15.38% of the respondents stated that occasionally some of the illegal foreign nationals’ children access education in RSA without proper documents, while 34.62% of the respondents stated that frequently this occurs, and 34.62% responded by stating that very frequently some of the illegal foreign nationals’ children access education in RSA without proper documents. In Chapter 3, Section 3.8.5 of the study it was mentioned that although Section 39(1) (a) of the *Immigration Act*, 2002 provides that no learning institution shall knowingly provide training or instruction to an illegal foreigner, the Eastern Cape High Court: Case number 2840/2017 ordered the Eastern Cape Department of Education to admit all children who are not in possession of an official birth certificate into public schools in the Eastern Cape Province. It was further

accentuated in Section 3.8.5 of the study that where a learner cannot provide a birth certificate, the principal of that relevant school must take other proof of identity such as a sworn affidavit from the parent, caregiver or guardian of the learner wherein the learner is fully identified. The responses correspond with the above in that the majority of the respondents responded that some illegal foreign nationals' children have access to education in RSA without proper documents.

#### 4.8.2.8 Frequency of some illegal foreign nationals illegally crossing the borders to RSA to access medical attention

The perception of respondents on the frequency that some illegal foreign nationals illegally cross to RSA to access medical attention findings are illustrated in Figure 4.15 below.



**Figure 4.15: Frequency of some illegal foreign nationals illegally crossing to RSA to access medical attention (n = 26)**

Figure 4.15 above shows that none of the respondents responded by stating that this happens rarely or never, 7.69% of respondents believe very rarely and 3.85% of the stated very rarely, while 7.69% of the respondents stated that some foreign nationals illegally cross RSA to access medical attention occasionally. A further 38.46% respondents replied that they frequently do so and 50% of the respondents believe that they do this very frequently. In Chapter 3, Section 3.8.1 it was emphasised by Maphumulo and Bhengu (2019:9) that it is unconstitutional to deny anyone access to basic healthcare services which is also applicable to illegal foreign nationals, which

leads to overcrowding and a lack of resources. It was further accentuated in Section 3.8.1 that the influx of illegal foreign nationals has a negative impact on health care services facilities in the Senqu Local Municipality area due to limited resources made available by the Eastern Cape Department of health for healthcare services and facilities in the region. The majority of the respondents indicated that some foreign nationals illegally cross the borders to RSA to access medical attention on a frequent (34.62%) and very frequent (50%) basis. The latter places a burden on the healthcare facilities in the region.

Table 4.1 below is a summary of the average score for each activity sorted from the highest to lowest. As illustrated in Table 4.1 below the three most frequent activities that influence the social environment of the municipality is that some foreign nationals cross to RSA with their families and belongings without using the border gates (5.54), some foreign nationals illegally cross to RSA to access medical attention (5.35) and some of the foreign nationals marry SA women to acquire RSA citizenship (5.23). The six-point Likert scale activities were further summarised by calculating an average score for each activity by allocating a score from 1 to 6 to each category. That is, very frequently = 6, frequently = 5, occasionally = 4, rarely = 3, very rarely = 2, never = 1. Consequently, a higher average implies a higher level of frequency.

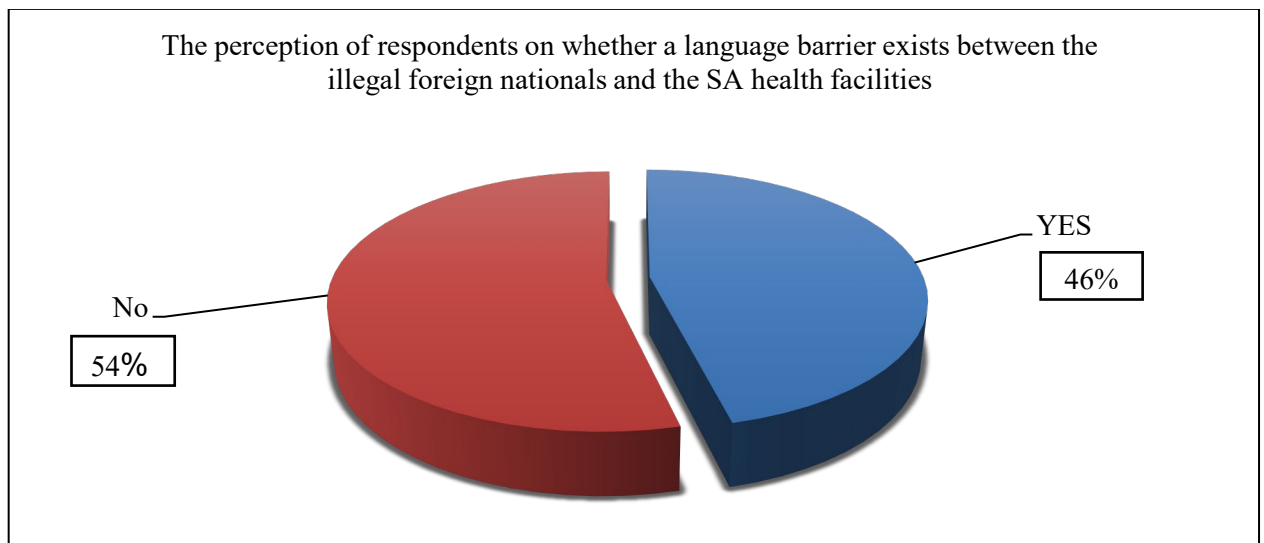
**Table 4.1: Average score of the activities for the perceived impact of illegal foreign nationals on the social environment of the municipality (n = 26).**

Activity	Average score	Standard deviation
Some of the illegal foreign national's cross to RSA with their families and belongings without using the border gates.	5,54	0,58
Some illegal foreign nationals illegally cross to RSA to access medical attention.	5,35	0,80
Some illegal foreign nationals marry SA women to acquire S.A citizenship.	5,23	1,07

Some illegal foreign nationals engage in illegal activities when they reside in RSA.	5,08	0,84
Some illegal foreign nationals' children access education in RSA without proper documents.	4,81	1,23
Some illegal foreign nationals acquire RSA identification documents fraudulently.	4,65	1,50
Some illegal foreign nationals illegally access social grants.	4,38	1,42
Some illegal foreign nationals participate in local activities where they reside with South Africans.	4,08	1,79

#### 4.8.2.10 The language barrier that exists between the illegal foreign nationals and the SA health facilities

The perception of respondents on whether a language barrier exists between the illegal foreign nationals and the SA health facilities are illustrated in Figure 4.16 below.



**Figure 4.16: The perception of respondents on whether a language barrier exists between the illegal foreign nationals and the SA health facilities (n = 26).**

From Figure 4.16 above the majority of respondents (54%) indicated that no language barrier exists between the illegal foreign nationals and the SA health facilities, while 46% indicated that a language barrier exists between the illegal foreign nationals and the S.A health facilities. In Chapter 3, Section 3.8.1 of the study it was mentioned that language obstacles of illegal foreign nationals are experienced in the health care facilities in the Senqu Local Municipality area. Although the majority of the respondents responded that there is no language barrier between the illegal foreign nationals and the South Africans DoH employees in health care facilities in Senqu Local Municipal area, a concern is that 46% of the respondents believe that a language barrier does exist.

#### **4.8.2.11 Suggestions on how the language barrier that exists between the illegal foreign nationals and the SA health facilities can be resolved**

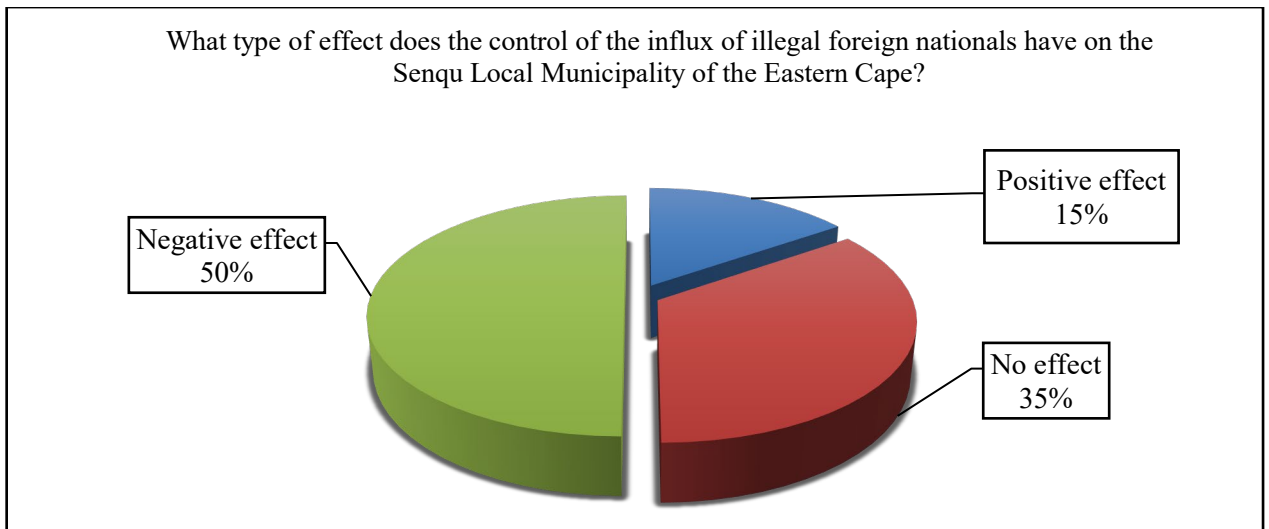
The 12 respondents that did indicate that a language barrier exists between the illegal foreign nationals and the SA health facilities could elaborate on how the language barrier can be resolved. The findings are reported in Table 4.2 below. A total of 33,32% suggest that the government officials must be multilingual so that everybody can be served, 24.99% of the respondents suggest that the government must employ interpreters to overcome the language barrier in health facilities, 8.33% suggest that the language barrier may be overcome through acquiring permits and statistical data and English as the translation language, 8.33% also suggest that the clients and government officials (both) must learn a common language (English). In addition, 8.33% suggest that the language barrier can be overcome by involving different stakeholders including politicians in educating the illegal foreign nationals. A further 8.33% responded by stating that the Department of Health (DoH) offers health services to anyone who needs help, whether illegal or not. Their legalisation does not necessarily focus on the status of a person and 8.33% suggests that sign language be compulsory to government employees.

**Table 4.2: Respondents responses on the language barrier that exists between the illegal foreign nationals and the SA. health facilities on how it can be resolved (n = 26)**

Activity	Percentage
Government officials must be multilingual so that everybody must be served.	33,32%
Because of the language the government must employ interpreters	24,99%
By acquitting permits and statistical data and English as translation language	8,33%
By both learning common language (English)	8,33%
By engaging them and by involving different stakeholders including politicians in educating these illegal foreign nationals	8,33%
Health Department offers health services to anyone comes for help, whether illegal or not. Their legalisation does not necessarily focus on the status of a person.	8,33%
Sign language to be compulsory to government employees	8,33%

#### **4.8.2.12 The type of effect the control of the influx of illegal foreign nationals has on the municipality**

The type of effect the control of the influx of illegal foreign nationals has on the municipality is illustrated in Figure 4.8.2.12 below.



**Figure 4.17: Respondents response on the type of effect the control of the influx of illegal foreign nationals has on the municipality (n = 26).**

From Figure 4.8.2.12 above it can be seen that 50% of the respondents indicated that the control of the influx of illegal foreign nationals in the municipal area has a negative effect, 35% of respondents indicated that the control of the influx has no effect and 15% of respondents indicated that the control of the influx has a positive effect. In Chapter 3, Section 3.8.1 it was argued that the influx of illegal foreign nationals could have a negative impact on the Senqu Local Municipality area concerning the provision of social services, wage levels and employment opportunities, crime, health and poverty alleviation. Illegal migration increases costs on social spending by exerting pressure on expenditure for social services such as education, health and housing facilities.

The respondents could also elaborate on the effect that the control of the influx of foreign nationals has on the municipality, as seen in Table 4.3 below.

**Table 4.3: Verbatim responses on the effect that the control of the influx of illegal foreign nationals has on the municipality**

Type of effect	Explanation (verbatim)	Frequency	Percentage
Positive	Control of the influx to hinder illegal foreign nationals, and to control unlawful activities by the foreign	1	11.11%

effect (n = 4)	nationals who have gained access illegally		
	Illegal occupation of land	1	11.11%
	Land evasion	1	11.11%
	Shortage of manpower at borderline	1	11.11%
No Effect (n = 9)	Corruption crossing. Time work does not address the situation	1	11.11%
	As the bordering river is wide open the foreigners cross anywhere in the river making is very difficult to control the influx. and it is also resulting in our small town getting over-populated.	1	11.11%
	Because they are still here in number & without proper documentation enjoying support of leaders.	1	11.11%
	Borders are not properly managed by SAPS, SANDF and DHA.	1	11.11%
	Borders porousness causes influx to be uncontrollable.	1	11.11%
	Corruption take place illegal foreigner pay bribes to officials to be able to enter the country without permits or legal documentation.	1	11.11%
	They just come for their own benefits - to get social grant in SA and access to SA schools, to mention a few things.	1	11.11%
	They manage to come and go (crossing the border illegally) and when caught they deny the fact that they cross illegally and its leads to no prosecutions.	1	11.11%

	We can't control the influx of foreigners because they move as they wish to go anytime.	1	11.11%
Negative Effect (n = 13)	Criminal activities - Illegal occupation of land, stock theft, the also murder and run back to their land	1	7.69%
	Overburden on available services to legal citizens as they must be provided with essential services when in the country	1	7.69%
	Senqu municipality is over-populated due to foreign nationals	1	7.69%
	Shortage of staff is leading improper control of borders	1	7.69%
	Criminal activities - Steal the stock and horses	1	7.69%
	The defence force, SAPS and society must work together	1	7.69%
	Criminal activities - The huge number of foreigners are not well controlled as in the courts we have large number of foreigners who commit crime yet not legal in country	1	7.69%
	Their inability to acquire legal documents burdens the basic services and local economy	1	7.69%
	They can illegally come and go in the presence of control officers without being arrested	1	7.69%
	They increase daily	1	7.69%

	They use the budget that has not been planned to cater their needs.	1	7.69%
	Traditional leaders also contribute as they deliberately give sites of land to illegal foreign nationals, especially in area of Sterkspruit	1	7.69%
	Criminal activities - When foreigners commit crime it is difficult to trace them	1	7.69%

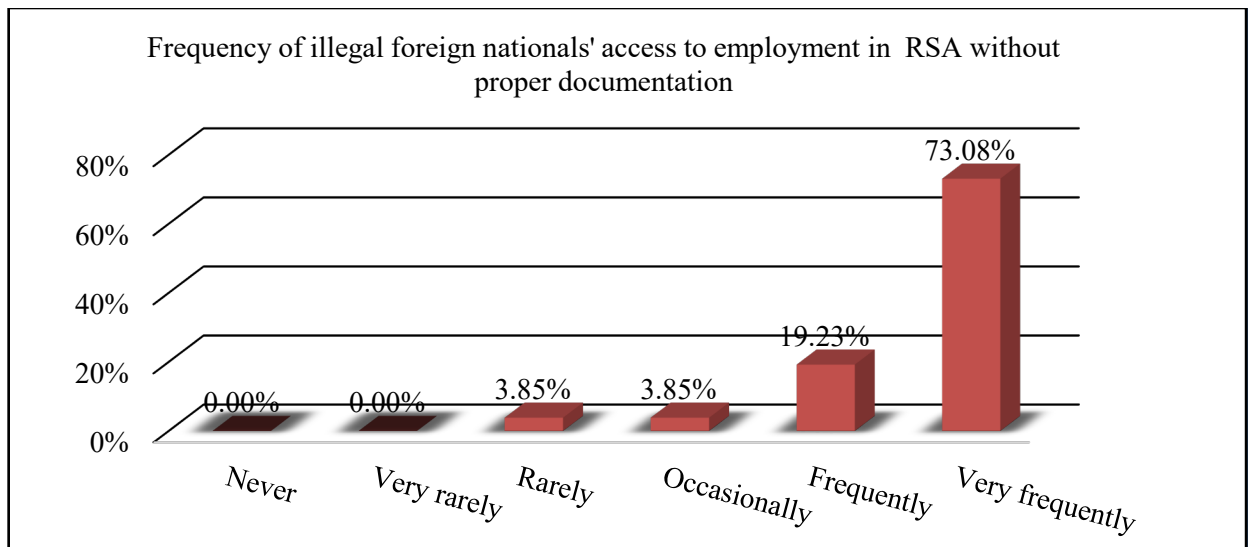
From Table 4.3 above the respondents have elaborated on the effect that the control of the influx of foreign nationals has on the municipality through providing common reasons. Such reasons include that it contributes to the overburden on available services to legal citizens as illegal foreigners have to be provided with essential services when in the country which results in the use of budget that has not been planned to cater for their needs.

#### **4.8.3 Section C: Perceived impact of illegal foreign nationals on the economic environment in the municipality**

Section C of the semi-structured questionnaire was designed to investigate the perceptions of the respondents on the perceived impact of illegal foreign nationals on the economic environment in the municipality. This section consisted of 10 activities. A Likert scale ranging from very frequently = 6, frequently = 5, occasionally = 4, rarely = 3, very rarely = 2, never = 1 was used to investigate the perceptions of the respondents.

##### **4.8.3.1 Frequency of illegal foreign nationals' access to employment in RSA without proper documentation**

The perception of respondents on the frequency that some of the illegal foreign nationals' have on access to employment in RSA without proper documents is illustrated in Figure 4.18 below.

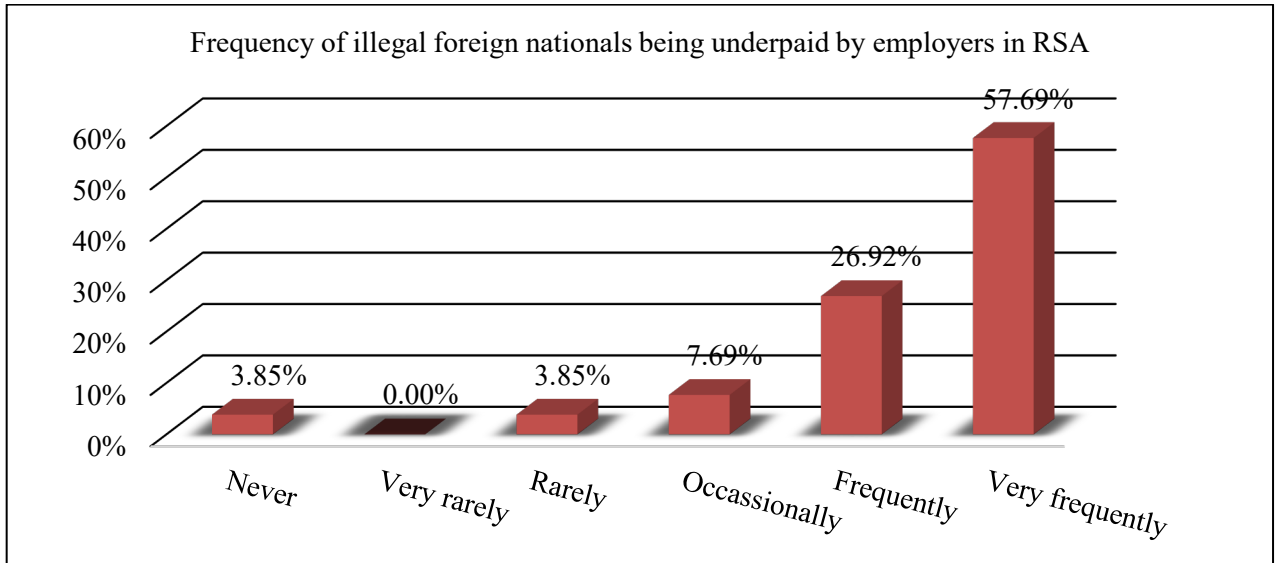


**Figure 4.18: Frequency of illegal foreign nationals' access to employment in RSA without proper documentation (n = 26)**

From Figure 4.18 above 73.08% of the respondents indicated that some illegal foreign nationals very frequently access employment in RSA without proper documentation, 19,23% indicated that they access employment in RSA without proper documentation on a frequent basis, and 3,85% indicated that this occurs occasionally. In Chapter 3, Section 3.9.3 of the study it was confirmed that the unemployment rate of the community of Senqu Local Municipality is above 35%. In Chapter 1, Section 1.2 of the study it was highlighted that 27.8% of the population of Senqu Local Municipality residents are between 15–24 year-olds that need to find employment opportunities or be able to find employment opportunities soon. It was further argued in Section 3.9.3 that the influx of illegal foreign nationals will accelerate the existing unemployment challenge and it will have an impact on the residents in Senqu Local Municipality. The responses correspond with the above in that a majority of the respondents responded that some illegal foreign nationals access employment in RSA without proper documentation.

### 4.8.3.2 Frequency of the illegal foreign nationals being underpaid by their employers in RSA

The findings and results on the perception of respondents on the frequency that some illegal foreign nationals are underpaid by their employers in RSA are illustrated in Figure 4.19 below.



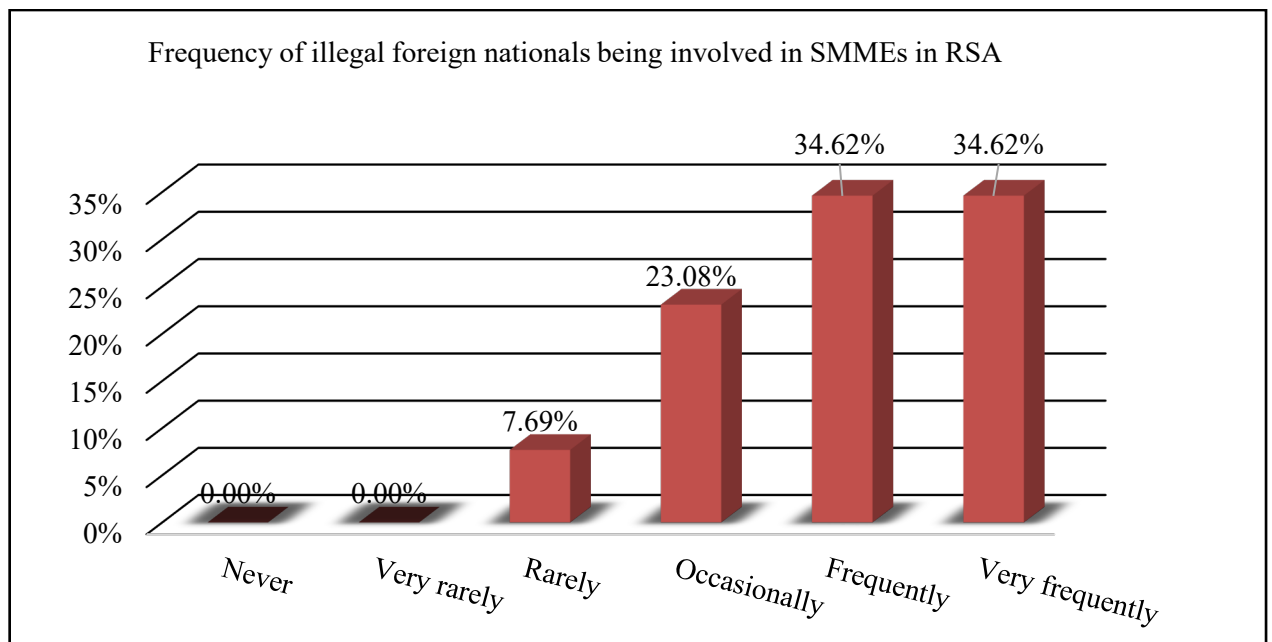
**Figure 4.19: Frequency of illegal foreign nationals being underpaid by their employers in RSA (n = 26)**

From Figure 4.19 above 57.69% of the respondents indicated that very frequently some of the illegal foreign nationals are underpaid by their employers in SA, 26.92% indicated that they are underpaid by their employers in RSA on a frequent basis, 7.69% stated that they are underpaid by their employers occasionally and 3.85% rarely and 3.85% never. No respondents indicated that the action happened very rarely. In Chapter 2, Section 2.6.1.3 of this study, Bohlmann (2012:8) maintains that the employment of illegal foreign nationals grows from 1.760 million in 2007 to 2.343 million in 2020 which shows an increase of 33.1%. In Chapter 2, Section 2.6.1.3 of this study it was further discussed that illegal foreign nationals are employment mostly in the agriculture and hospitality industries who prefer to hire undocumented migrants (illegal foreign nationals). It was further confirmed that these illegal foreign nationals are exploited as they are paid very low wages (R300 a week) whilst working very long hours (up to 50 hours a week) without any penalties because they arrest and deportation if they report it

to the RSA authorities. The responses correspond with the above in that a majority of the respondents stated that some of the illegal foreign nationals are being underpaid by their employers in RSA.

#### 4.8.3.3 Frequency of illegal foreign nationals being involved in SMMEs in RSA

The perception of respondents on the frequency that some illegal foreign nationals are involved in SMMEs in RSA is illustrated in Figure 4.20 below.



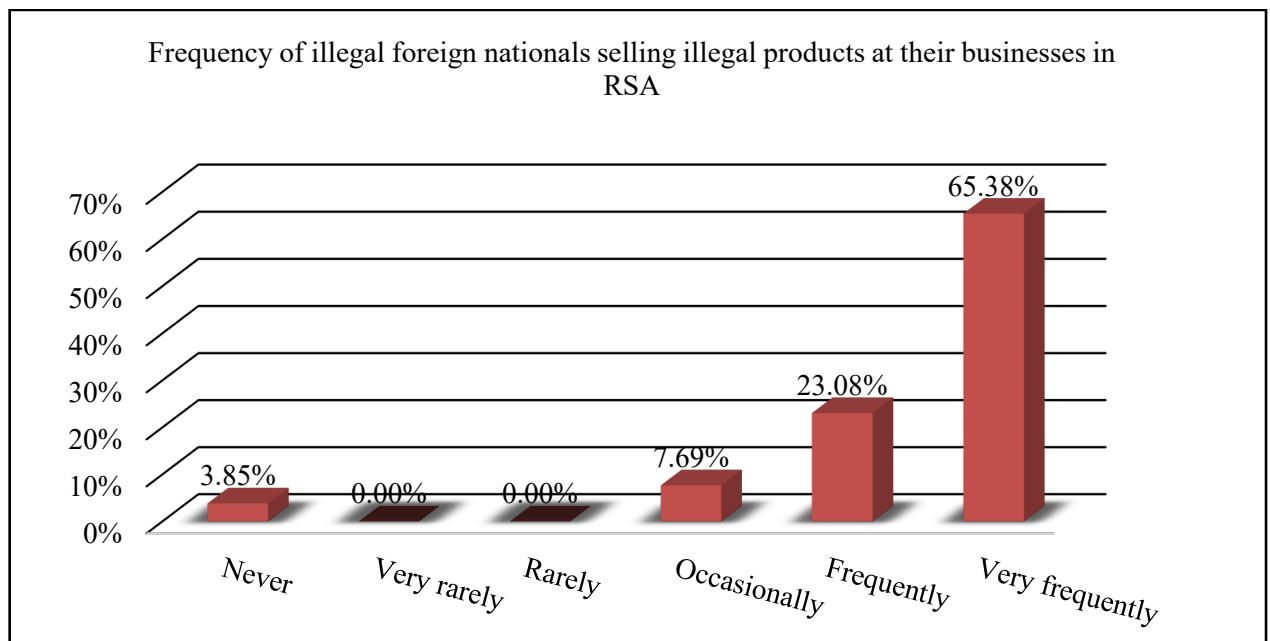
**Figure 4.20: Frequency of illegal foreign nationals being involved in SMMEs in RSA (n = 26)**

From Figure 4.20 above it can be represented that 34.62% of the respondents indicated that very frequently illegal foreign nationals are involved in SMMEs in RSA, 34.62% indicated that they are involved in SMMEs in RSA on a frequent basis, 23.08% stated that they are involved in SMMEs in RSA occasionally and 7.69% on rarely. No respondent indicated that the action happened on a very rarely basis and no respondent indicated that the illegal foreign nationals are never involved in SMMEs in RSA. A majority of respondents indicated that the illegal foreign nationals’ involvement in SMMEs in RSA is very frequent and frequent equally. In Chapter 2, Section 2.6.1.3 it was mentioned that many illegal foreign nationals are generally involved in sectors such as agriculture, hospitality, construction, domestic work, and informal trading. Illegal

foreign nationals involve themselves in small family businesses such as electronic shops, furniture shops, restaurants, supermarkets, hair salons, crafts, taxis, upholstery, and other small business. The majority of respondents (34.62%) indicated that the illegal foreign nationals' involvement in SMMEs in RSA occurred on a very frequent and frequent basis.

#### 4.8.3.4 Frequency of illegal foreign nationals sells illegal products at their business in RSA

The perception of respondents on the frequency that some of the illegal foreign nationals sell illegal products at their businesses in RSA results are illustrated in Figure 4.21 below.



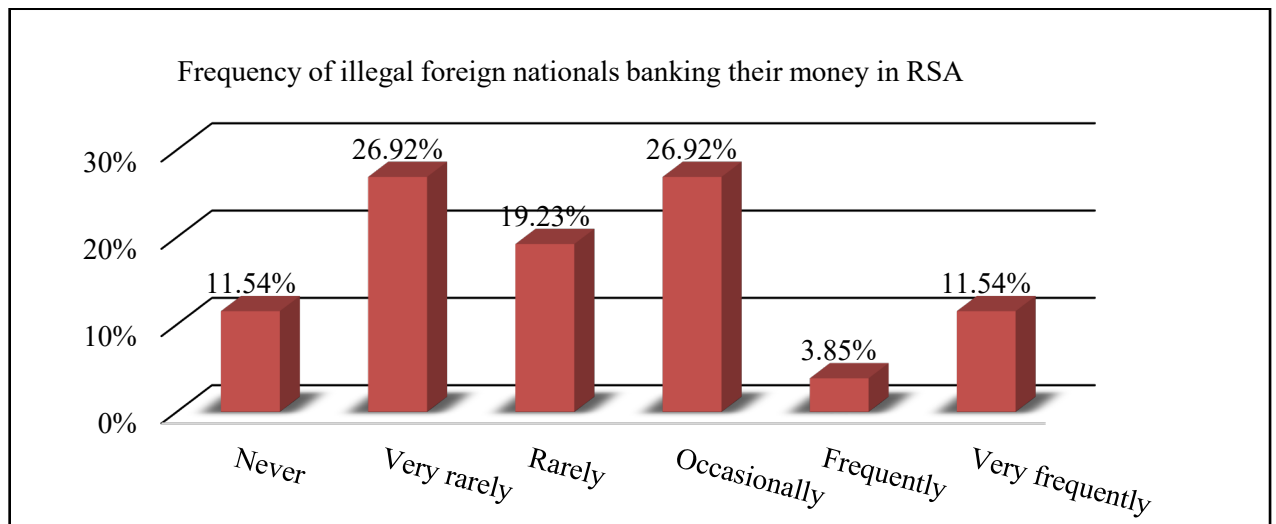
**Figure 4.21: Frequency of the illegal foreign nationals sell illegal products at their business in RSA (n = 26)**

From Figure 4.21 above it can be represented that 65.38% of respondents indicated that very frequently the illegal foreign nationals sell illegal products at their businesses in RSA, 23.08% indicated that they sell illegal products at their businesses in RSA on a frequent basis, 7.69% stated that they sell illegal products at their businesses in RSA occasionally, 3.85% responded by stating that they never sell illegal products at their businesses in RSA and no respondent stated that the illegal foreign nationals sell illegal

products at their businesses in RSA at rare and a very rare basis. In Chapter 2, Section 2.4 of the study it was emphasised by Dassah (2017:267) that illegal foreign nationals are involved in criminal activities such as armed robbery, drug trafficking and money laundering and are involved in illegal telegraphic fund transfers, popularly known as ‘419’ and making counterfeit identity documents for sale to other illegal migrants of illegal foreign nationals. The majority (65.37%) of respondents stated that illegal foreign nationals sell illegal products at their businesses in RSA very frequently.

#### 4.8.3.5 Frequency of illegal foreign nationals banking their money in the RSA

The perception of respondents on the frequency that some illegal foreign nationals bank their money in RSA is illustrated in Figure 4.22 below.



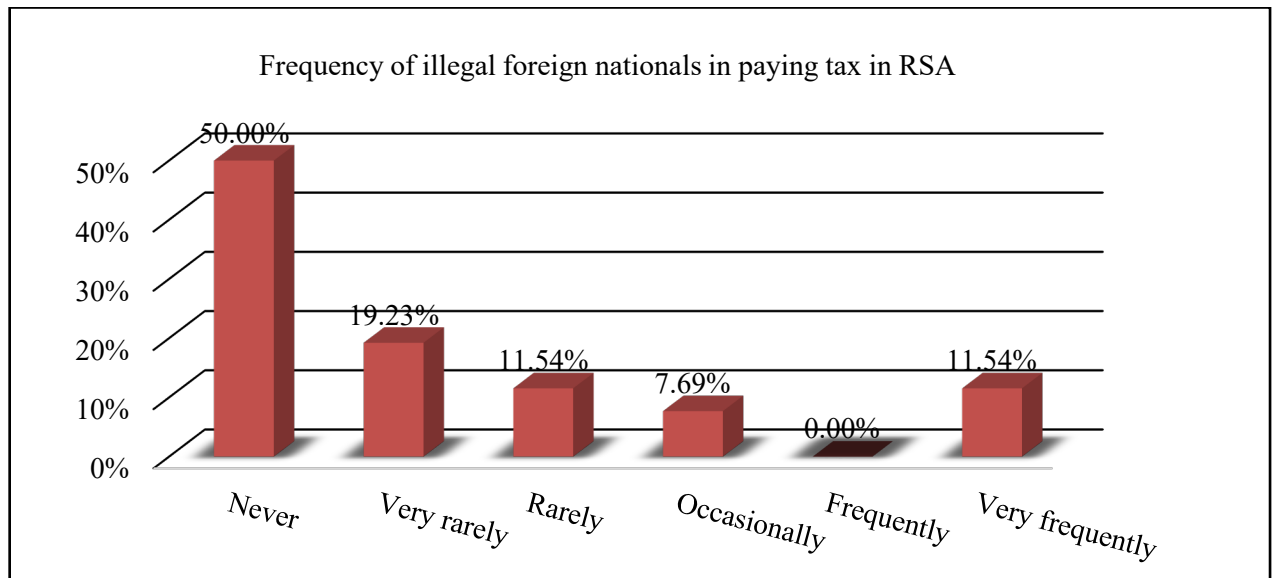
**Figure 4.22: Frequency of illegal foreign nationals banking their money in RSA (n = 26)**

From Figure 4.22 above it can be represented that 11.54% of the respondents indicated that very frequently illegal foreign nationals bank their money in RSA, 3.85% indicated that they bank their money in RSA on a frequent basis, 26.92% believe that they occasionally bank their money in RSA, 19.23% responded by stating that they rarely bank their money in RSA, 26.92% stated that happens very rarely and 11.54% indicated that they never bank their monies in RSA. In Chapter 2, Section 2.6.1.3 of the study it was emphasised that the challenge faced by the illegal migration in RSA emanates from the existing patterns of exclusion in private sector industries where foreigners are unable to access even the most basic banking services as the current banking legislation prevents anyone except permanent residents and citizens from opening bank accounts

(Landau and Segatti, 2009:40). Section 2.6.1.3 of this study shows that Segatti and Landau (2011:101) and Kalitanyi and Visser (2010:382) point out that unfair banking laws that the migrants face causes them to have no access to finance and credit as they lack legal documentation to open a bank account. The responses correspond with the above in that a majority of the respondents stated that it is very rare and occasionally that some illegal foreign nationals bank their money in the RSA.

#### 4.8.3.6 Frequency of illegal foreign nationals paying tax in RSA

The perception of respondents on the frequency that some illegal foreign nationals pay tax in RSA findings and results are illustrated in Figure 4.23 below.



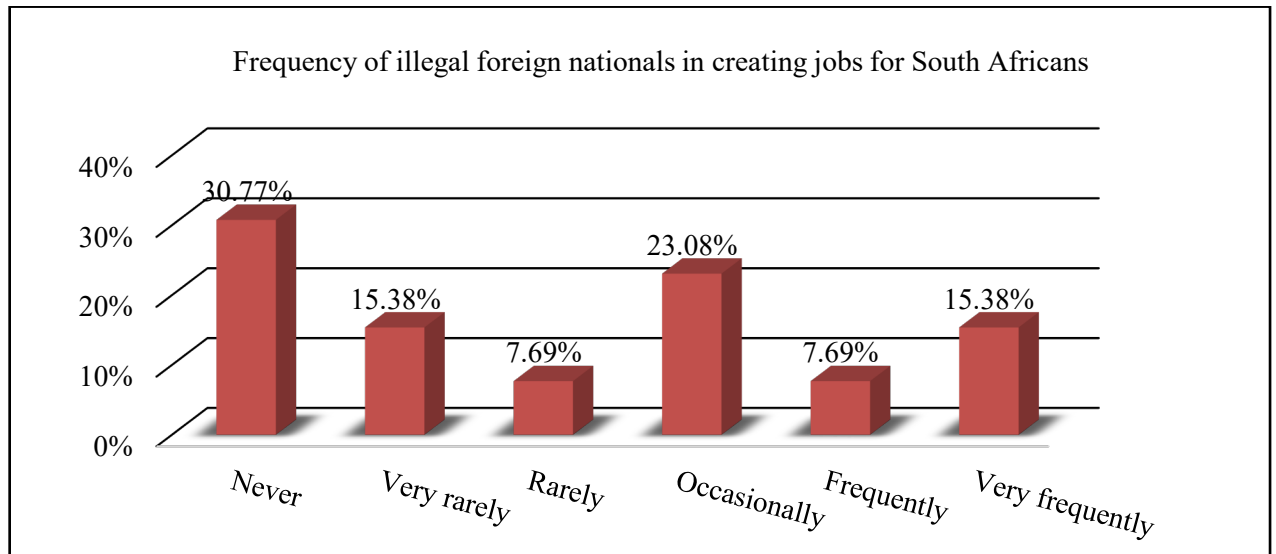
**Figure 4.23: Frequency of the illegal foreign nationals in paying tax in RSA (n = 26)**

Figure 4.23 above shows that 11.54% of the respondents indicated that very frequently illegal foreign nationals pay tax in RSA, no one indicated that frequently illegal foreign nationals pay tax in RSA, 7.69% indicated that they are occasionally paying tax in RSA, 11.54% indicated that they rarely paying tax in RSA, 19.23% indicated that they very rarely pay tax in RSA and 50.00% of respondents indicated that illegal foreign nationals never pay tax in RSA. Instead, illegal foreign nationals are harmful to the taxpayers’ money. Chapter 3, Section 3.8.3 of the study emphasised the African Centre for Migration and Society (2017:23) and Solomon and Kosaka’s (2013:12) statements that Somalis are associated with ‘illegal’ business, where they do not charge VAT (value added tax) to the end-customers and sell things at much cheaper prices than the local

stores. The responses correspond with the above in that a majority of the respondents stated some illegal foreign nationals never pay tax in RSA.

#### 4.8.3.7 Frequency of illegal foreign nationals in creating jobs for RSA

The perception of respondents on the frequency that some illegal foreign nationals create jobs for RSA, the findings and results are illustrated in Figure 4.24 below.

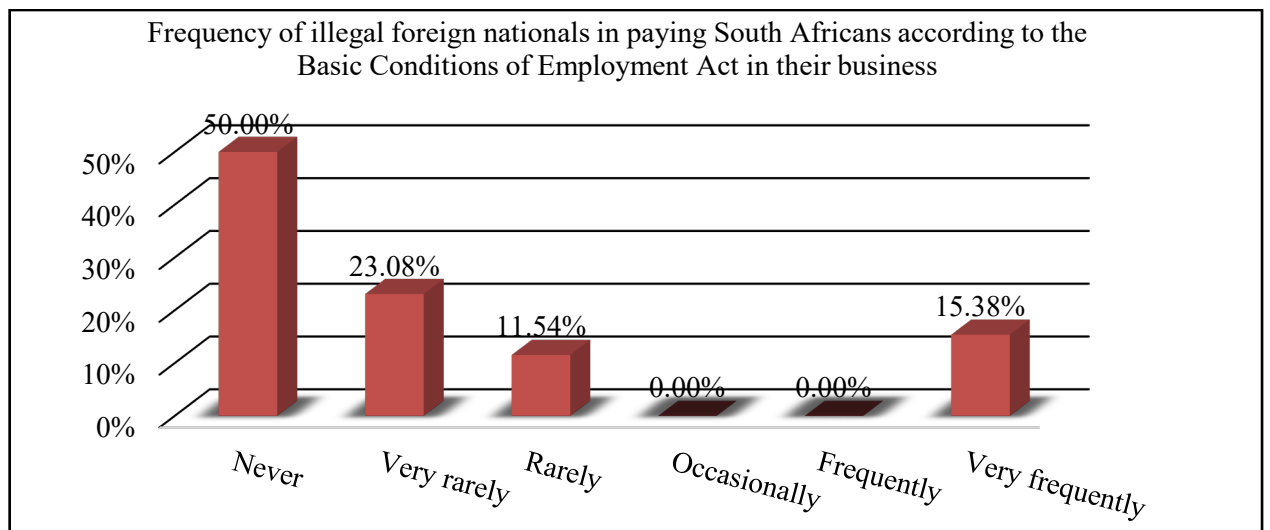


**Figure 4.24: Frequency of illegal foreign nationals in creating jobs for RSA (n = 26)**

Figure 4.24 above shows that 15.38% of the respondents indicated that very frequently illegal foreign nationals create jobs for RSA, 7.69% indicated that frequently this occurs, 23.08% indicated that they are occasionally creating jobs for RSA, 7.69% indicated that they are rarely doing so, 15.38% indicated that they are very rarely creating jobs for RSA and 30.77% respondents indicated never. In Chapter 2, Section 2.6.1.3 of the study it was emphasised by Dassah (2017:268) that migrants are helping RSA businesses through opening markets in the country as to create enterprises, jobs and passing of the valuable skills and experience for locals. Ngomane (2010:22) accentuated in Chapter 2, Section 2.6.1.3 of the study that illegal Zimbabweans in Polokwane Municipality in the Limpopo Province are directly improving the informal and formal businesses through involving themselves in businesses such as hair salons, supermarkets, crafts, taxis, upholstery. In addition, they bring new skills, capital, and competitive resources to create jobs for RSA. The majority of (30.77%) the respondents indicated on the statement that the action never occurred and occasionally occurred.

#### 4.8.3.8 Frequency of illegal foreign nationals in paying South Africans according to the *Basic Conditions of Employment Act, 1997* in their businesses

The findings and results on the perception of respondents on the frequency that some illegal foreign nationals pay South Africans according to the *Basic Conditions of Employment Act, (Act 75 of 1997)* in their businesses are illustrated in Figure 4.25 below.

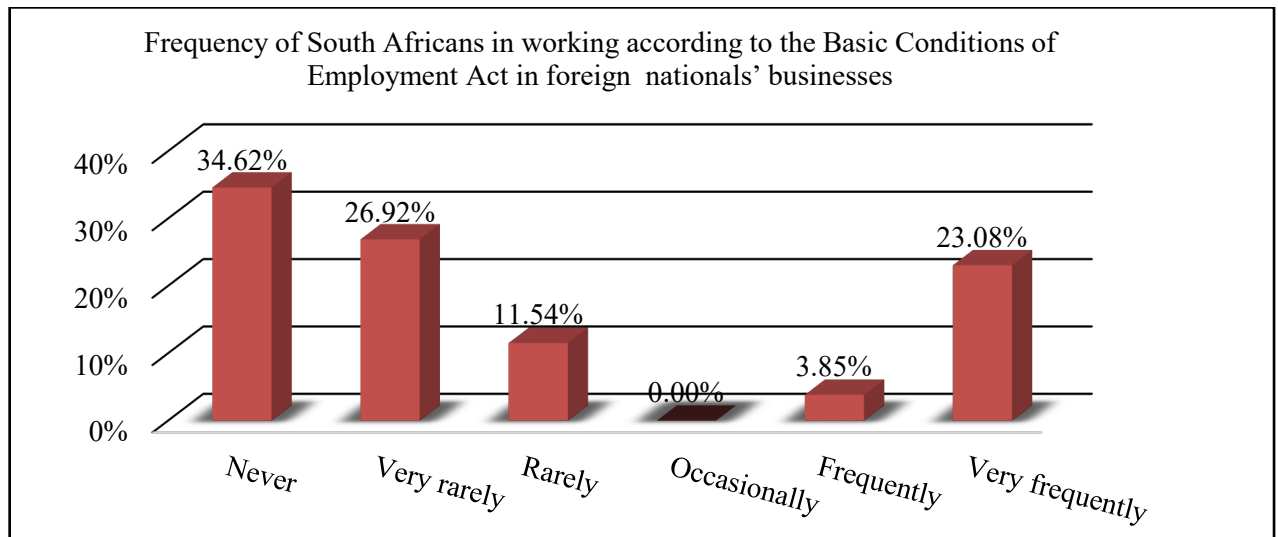


**Figure 4.25: Frequency of illegal foreign nationals in paying South Africans according to the *Basic Conditions of Employment Act, 1997* in their business (n = 26)**

From Figure 4.25 above shows that 15.38% of the respondents indicated that very frequently illegal foreign nationals pay the South Africans according to the *Basic Conditions of Employment Act, 1997* in their business, no respondent indicated that frequently and occasionally this occurs, 11.54% indicated that they are rarely paying the South Africans according to the Act in their business, 23.08% indicated that illegal foreign nationals are very rarely paying South Africans according to the Acts in their businesses and the remaining 50.00% of respondents indicated that illegal foreign nationals never pay the South Africans according to the Act in their business. The majority of (50.00%) of the respondents indicated on the statement that illegal foreign nationals are paying the South Africans according to the Act in their businesses.

#### 4.8.3.9 Frequency of South Africans in working according to the *Basic Conditions of Employment Act, 1997* in foreign nationals' businesses

The perception of respondents on the frequency that some of South Africans work according to the *Basic Conditions of Employment Act, 1997* in foreign nationals' businesses are illustrated in Figure 4.26 below.

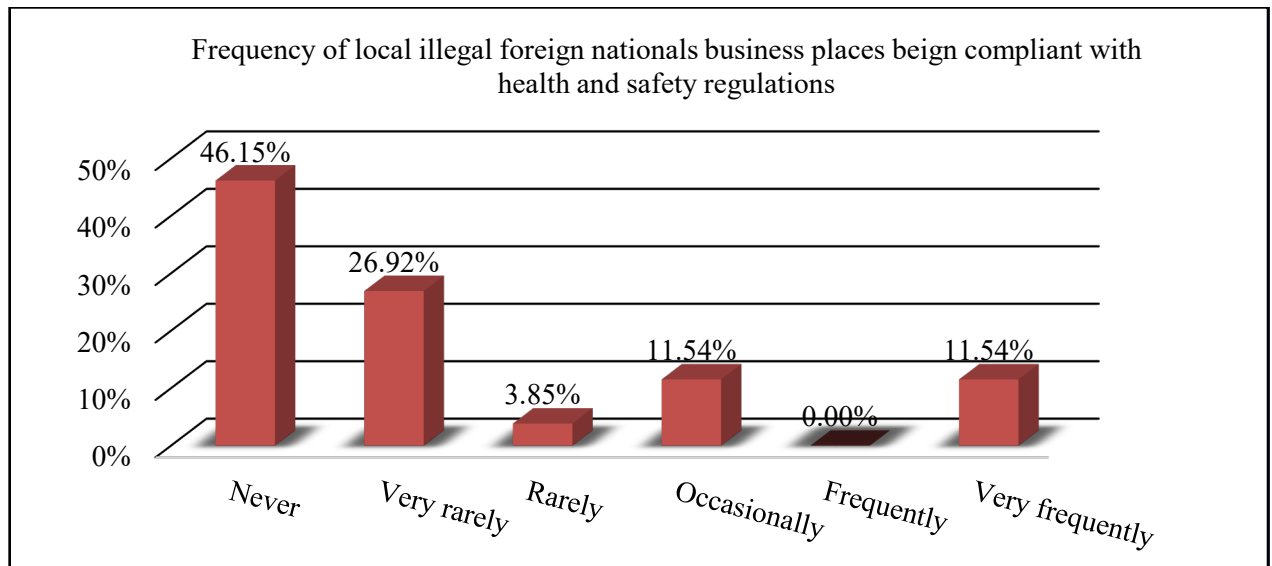


**Figure 4.26: Frequency of South Africans in working according to the *Basic Conditions of Employment Act, 1997* in foreign nationals' businesses (n = 26)**

From Figure 4.26 above it can be seen that 23.08% of the respondents indicated that very frequently the South Africans are working according to the *Basic Conditions of Employment Act, 1997* in foreign nationals' businesses, 3.85% of the respondents indicated that they are frequently working as such, no respondents indicated that occasionally they are working according to the *Basic Conditions of Employment Act, 1997* in foreign nationals' businesses, 11.54% indicated that they are rarely working like this, 26.92% indicated that they are very rarely working according to the *Act*, and 34.62% respondents indicated that the South Africans never work according to the *Basic Conditions of Employment Act, 1997* in foreign nationals' businesses. In Chapter 2, Section 2.6.1.3 of the study it was emphasised by Landau and Segatti (2009:40) that many undocumented migrants are without the right to work but have the required skills and are willing to accept low paying positions, which pay below the minimum wage and often work in an inhumane climate. The majority (34.62%) of the respondents indicated that the action never occurred and occurred on a very rarely basis.

#### 4.8.3.10 Frequency of the local illegal foreign nationals’ business place being compliant with health and safety regulations

The perception of respondents on the frequency that some local illegal foreign nationals’ business places comply with Health and Safety regulations findings and results are illustrated in Figure 4.27 below.



**Figure 4.27: Frequency of local illegal foreign nationals’ businesses places compliance with health and safety regulations (n = 26)**

Figure 4.27 above shows that 11.54% of the respondents indicated that very frequently the local illegal foreign nationals business places comply with Health and Safety regulations such as the *Occupational Health and Safety Act* (Act 85 of 1993), no respondents indicated that frequently the local illegal foreign nationals business places comply with Health and Safety regulations, 11.54% of the respondents indicated that they occasionally comply with Health and Safety regulations, 3.85% indicated that they rarely comply with Health and Safety regulations, 26.92% indicated that they very rarely comply with Health and Safety regulations and 46.15% of respondents indicated that the local illegal foreign national business places never comply with Health and Safety regulations. The majority (46.15%) of the respondents indicated on the statement that the action never occurred. Table 4.4 below outlines the means procedure of Q4.1 to Q4.12.

**Table 4.4: The Means Procedure of Q4.1 to Q 4.12**

Variable	N	Mean	Std Dev	Minimum	Maximum
Q4_1	25	2.80	0.91	1.00	4.00
Q4_2	25	2.44	0.82	1.00	4.00
Q4_3	26	2.50	0.91	1.00	4.00
Q4_4	26	3.08	0.89	1.00	4.00
Q4_5	25	2.48	1.23	1.00	4.00
Q4_6	25	3.20	0.87	1.00	4.00
Q4_7	25	3.20	1.04	1.00	4.00
Q4_8	25	3.04	1.10	1.00	4.00
Q4_9	25	3.20	1.15	1.00	4.00
Q4_10	25	3.08	1.04	1.00	4.00
Q4_11	25	2.88	1.05	1.00	4.00
Q4_12	25	3.64	0.76	1.00	4.00

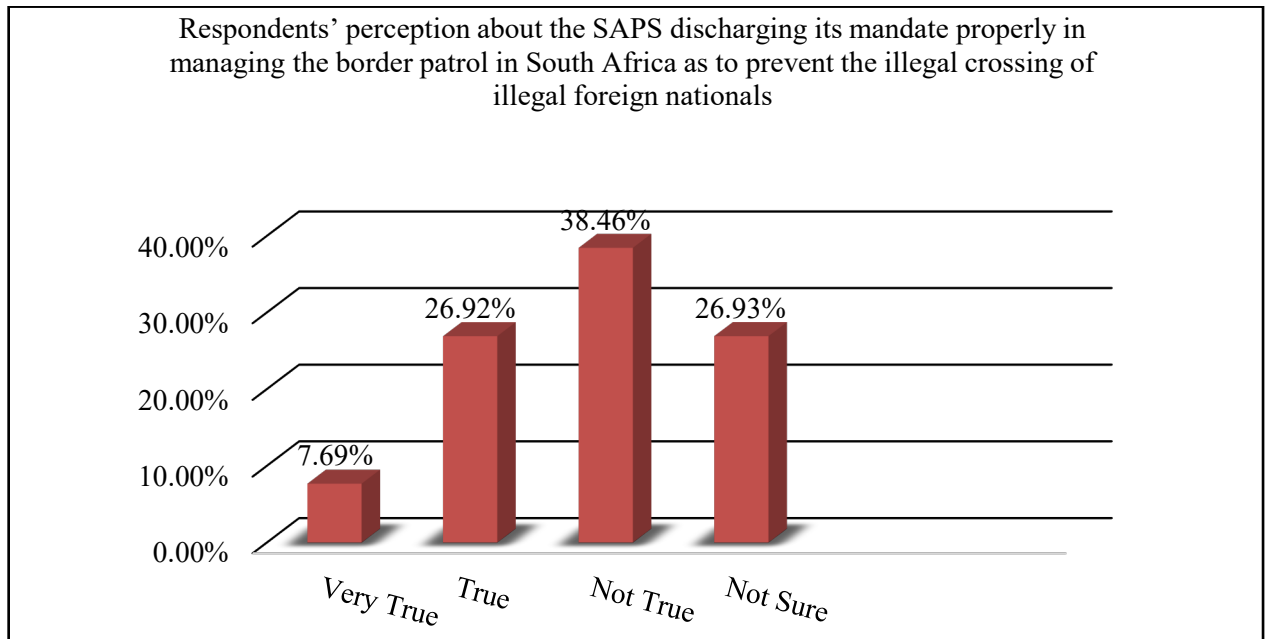
Table 4.4. above illustrated the means procedure of question 4.1 to question 4.12. A lower mean value indicates a higher level of correctness.

#### **4.8.4 Section D: Borders and inland oversight and accountability on illegal foreign nationals**

Section D of the semi-structured questionnaire was designed to investigate the perceptions of the respondents regarding the borders and inland oversight and accountability on illegal foreign nationals in Senqu Local Municipality. This section consistent out of 12 activities. For the first eight activities a Likert scale ranging from not sure = 4, not true = 3, true = 2 and very true = 1 was used to investigate the perceptions of the respondents. The findings of questions 4.1.to 4.6 of the subsection borders management and accountability are outlined in the discussion below.

#### 4.8.4.1 The South African Police Service (SAPS) discharging its mandate properly in managing the border patrol in RSA as to prevent the illegal crossing of foreign nationals

The perception of respondents about the SAPS on discharging its mandate properly in managing the border patrol in RSA as to prevent the illegal crossing of illegal foreign nationals is illustrated in Figure 4.28 below.



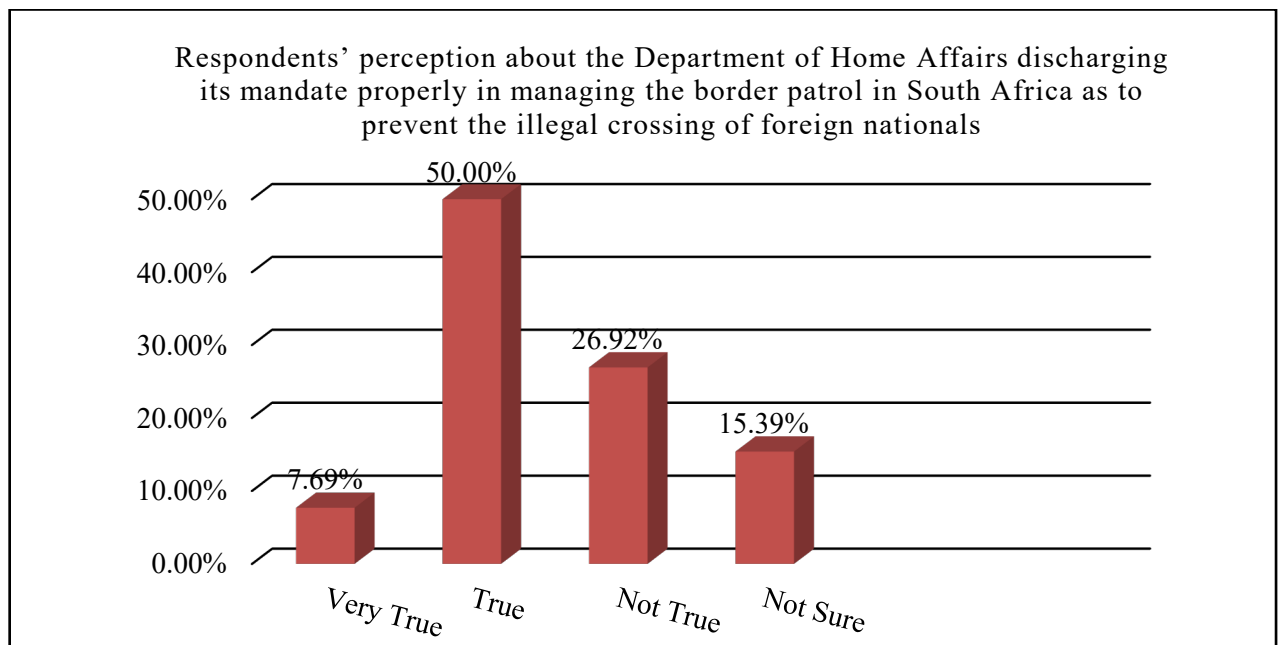
**Figure 4.28: Respondents' perception about the SAPS discharging its mandate properly in managing the borders patrol in RSA as to prevent the illegal crossing of illegal foreign nationals (n = 26).**

Figure 4.28 above shows that 34.61% of the respondents indicated that it is true that the SAPS discharging its mandate properly in managing the border patrol in RSA as to prevent the illegal crossing of foreigners, 38.46% indicated that it is not true that they are discharging its mandate properly in managing the border patrol in RSA as to prevent the illegal crossing of foreign nationals is not true and 26.93% indicated that they are not sure that the SAPS is discharging its mandate properly in managing the border patrol in RSA as to prevent the illegal crossing of illegal foreign nationals. Some of them are not sure as they are not involved in the law enforcement environment. The SAPS have the responsibility of the borders and respondents believe it is failing to discharge its mandate. In Chapter 2, Section 2.9.1 of the study it was emphasised that the SAPS is responsible to control the legal and illegal cross-border movement of all persons and

goods at all ports of entry in RSA. The majority (38.46%) of the respondents indicated on the statement that the action is not true.

#### 4.8.4.2 The Department of Home Affairs discharging its mandate properly in managing the border patrol in RSA as to prevent the illegal crossing of foreign nationals

The perception of respondents about the DHA on discharging its mandate properly in managing the border patrol in RSA as to prevent the illegal crossing of foreign nationals findings and results are illustrated in Figure 4.29 below.



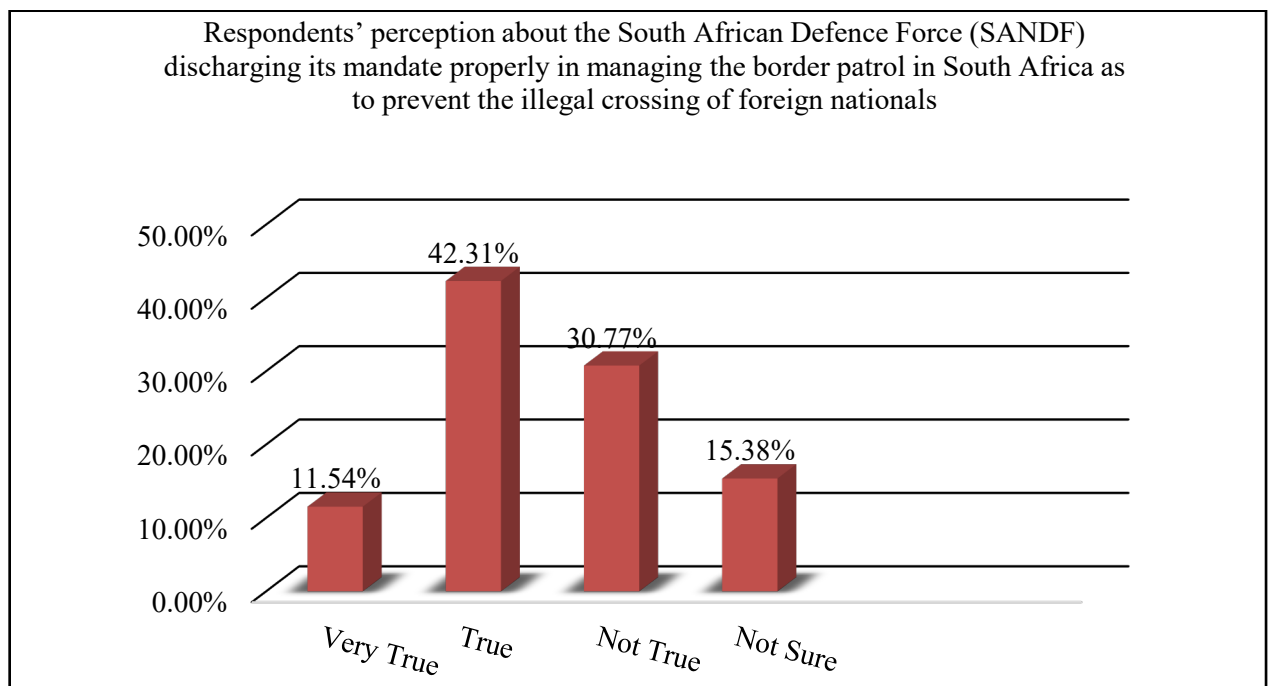
**Figure 4.29: Respondents' perception about the Department of Home Affairs discharging its mandate properly in managing the border patrol in RSA as to prevent the illegal crossing of foreign nationals (n = 26).**

Figure 4.29 above shows that 57.69% of the respondents indicated that it is true that the Department of Home Affairs is discharging its mandate properly in managing the border patrol in RSA as to prevent the illegal crossing of foreign nationals, 26.92% indicated that it is not true that they are discharging its mandate properly in managing the border patrol in RSA as to prevent the illegal crossing of foreign nationals is not true and 15.39% indicated that they are not sure. In Chapter 2, Section 2.9.2 of the study it was emphasised by the *Immigration Act*, 2002, Section 2(2)(e)(i) and (ii) that the

management and control of illegal foreign nationals needs to be managed by the DHA through enforcing the law. The majority (57.69%) of the respondents indicated on the statement that the action is true.

#### 4.8.4.3 The South African Defence Force (SANDF) discharging its mandate properly in managing the borders patrol in RSA as to prevent the illegal crossing of foreign nationals

The perception of respondents about the SANDF in discharging its mandate properly in managing the border patrol in RSA as to prevent the illegal crossing of foreign nationals' findings and results are illustrated in Figure 4.30 below.



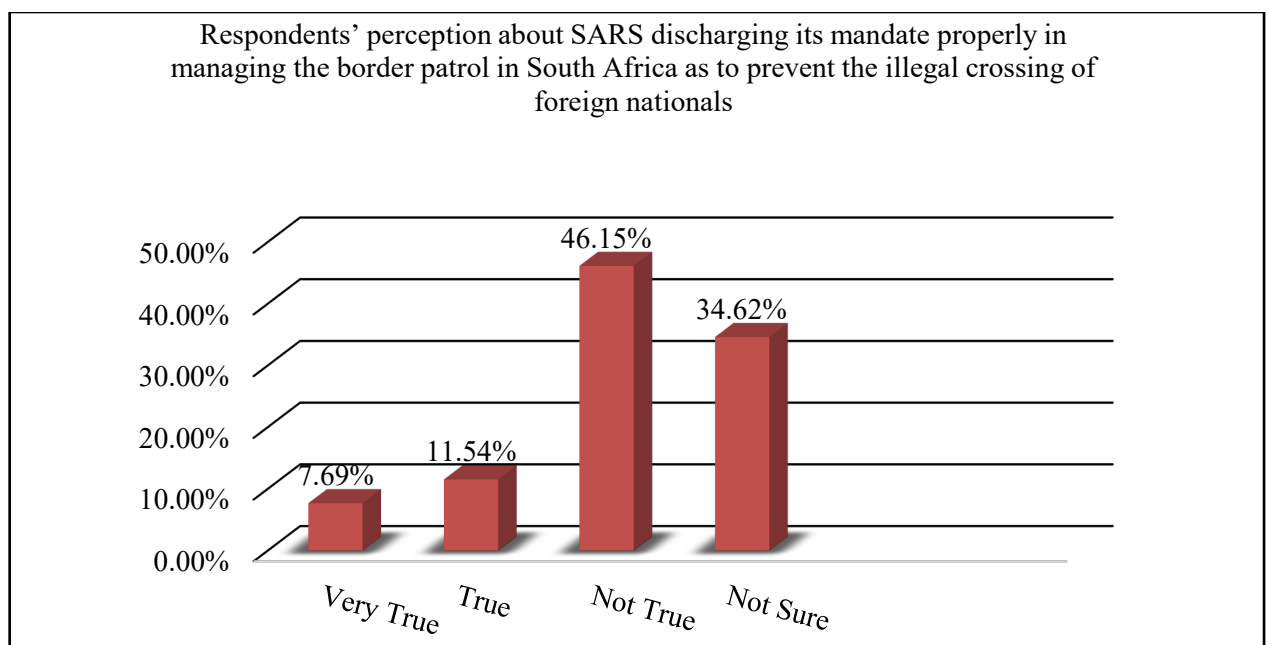
**Figure 4.30: Respondents' perception about the South African Defence Force (SANDF) discharging its mandate properly in managing the border patrol in RSA as to prevent the illegal crossing of foreign nationals (n = 26).**

From Figure 4.30 above it is shown that 53.85% of the respondents indicated that it is true that the SANDF is discharging its mandate properly in managing the border patrol in RSA as to prevent the illegal crossing of foreign nationals, 30.77% indicated that it is not true and 15.38% indicated that they are not sure that the SANDF is discharging this mandate properly. In Chapter 2 Section 2.9.3 of the study, it was emphasised by Police, Defence

and Intelligence (2015:338) that the SANDF enforces the law on foreign nationals through maintaining territorial integrity by safeguarding the borders. While Police, Defence and Intelligence (2015:342) further maintain that the SANDF fulfil its mandate by deploying its subunits to patrol the borders. The majority (53.85%) of the respondents indicated on the statement that the action is true. It was mentioned in Section 2.9 of the study that in terms of the *Border Management Authority Act, 2020* the BMA must ensure that they conclude implementation protocols with the mandated role players such as the SANDF and SAPS for the mandatory cooperation of their respective functions within the border law enforcement area and at ports of entry.

#### 4.8.4.4 The South African Revenue Services discharging its mandate properly in managing the borders patrol in RSA as to prevent the illegal crossing of foreign nationals

The perception of respondents about SARS on discharging its mandate properly in managing the border patrol in RSA as to prevent the illegal crossing of foreign nationals' findings and results are illustrated in Figure 4.31 below.

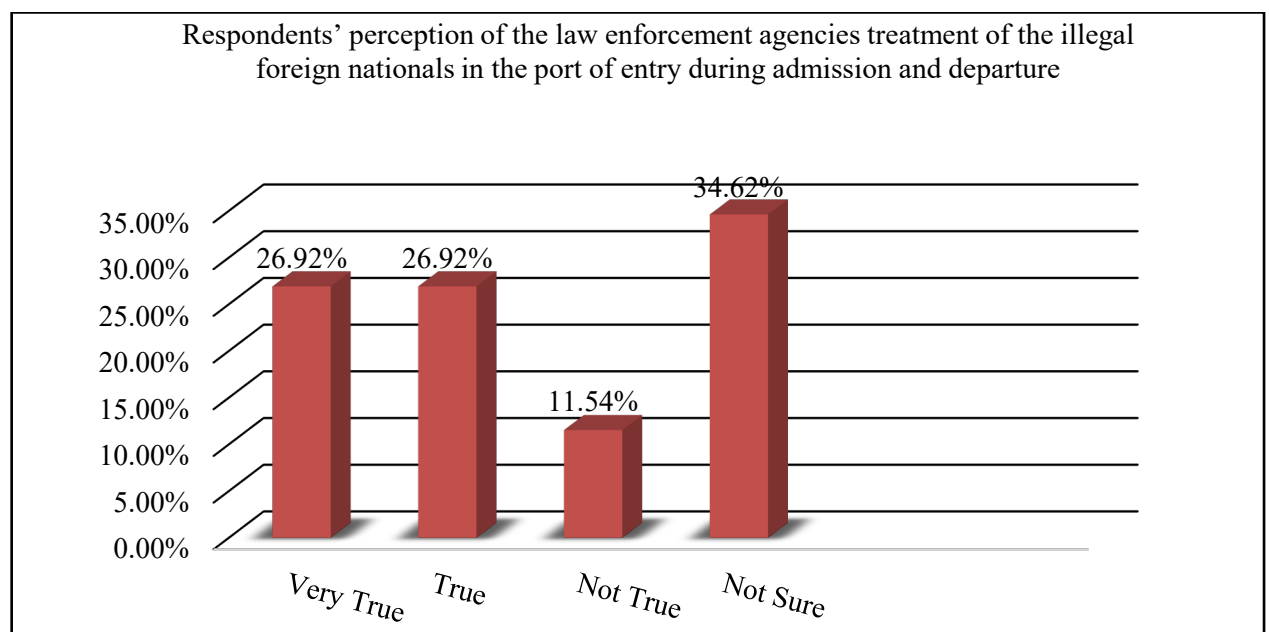


**Figure 4.31: Respondents' perception about SARS discharging its mandate properly in managing the border patrol in RSA as to prevent the illegal crossing of foreign nationals (n = 26).**

In Figure 4.31 above it is revealed that 19.23% of the respondents indicated that it is true that SARS is discharging its mandate properly in managing the border patrol in RSA as to prevent the illegal crossing of foreign nationals, 46.15% indicated that it is not true that they discharge this mandate properly and 34.62% indicated that they are not sure. The majority (46.15%) of the respondents indicated that the statement is not true that SARS is discharging its mandate properly in managing the border patrol in RSA as to prevent the illegal crossing of foreign nationals. In Chapter 2 Section 2.9.6 of the study, it was emphasised by the *South African Revenue Services Act, 1997* that SARS is responsible to make provision for the efficient and effective administration of the revenue collecting system of the RSA. It was further mentioned in Section 2.9.6 of the study that the introduction of the *Border Management Authority Act, 2020* provides that SARS should not be part of the BMA.

#### 4.8.4.5 The law enforcement agencies treat the illegal foreign nationals professionally in the port of entry during admission and departure

The perception of respondents on the law enforcement agencies treatment of the illegal foreign nationals professionally in the port of entry during admission and departure findings and results are illustrated in Figure 4.32 below.



**Figure 4.32: Respondents' perception about the law enforcement agencies treatment on the illegal foreign nationals in the port of entry during the admission and departure (n =**

26).

Figure 4.32 above shows that the majority of the respondents, namely 53.94% (26,92% responded very true and 26.92% responded true) responded that law enforcement agencies treat the illegal foreign nationals professionally in the port of entry during admission and departure, 11.54% indicate that this is not true and 38.47% indicated that they are not sure that the law enforcement agencies treat the illegal foreign nationals professionally in the port of entry during admission and departure. In Chapter 2, Section 2.7.3 of the study Lester (2014: 101-156) states that the act of torture and ill-treatment or such sexual abuse or deprivation of food, sleep, or communication are absolutely prohibited and can never be justified under any circumstances for the proper handling of illegal immigrants when they are detained at a port of entry or in a place of detention. The majority (53.94%) of the respondents indicated that they are not sure whether law enforcement agencies treat the illegal foreign nationals professionally in the port of entry during admission and departure.

#### 4.8.4.6 The illegal foreign nationals treat the law enforcement agencies professionally in the port of entry during admission and departure

The perception of respondents about the illegal foreign nationals' treatment of the law enforcement agencies professionally in the port of entry during admission and departure findings and results were illustrated in Figure 4.33 below.

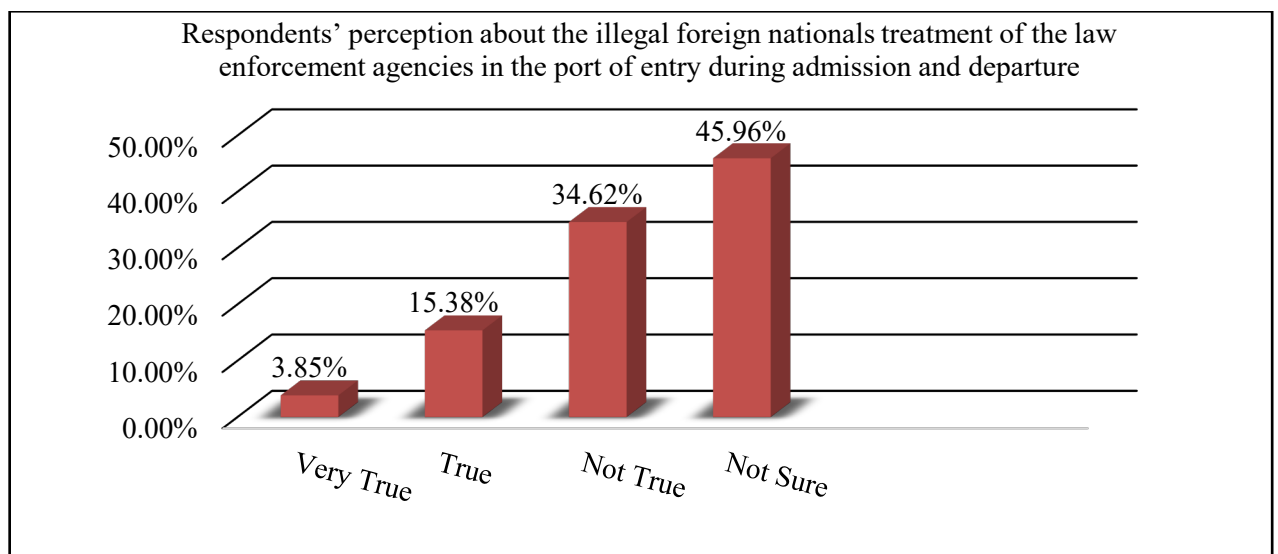


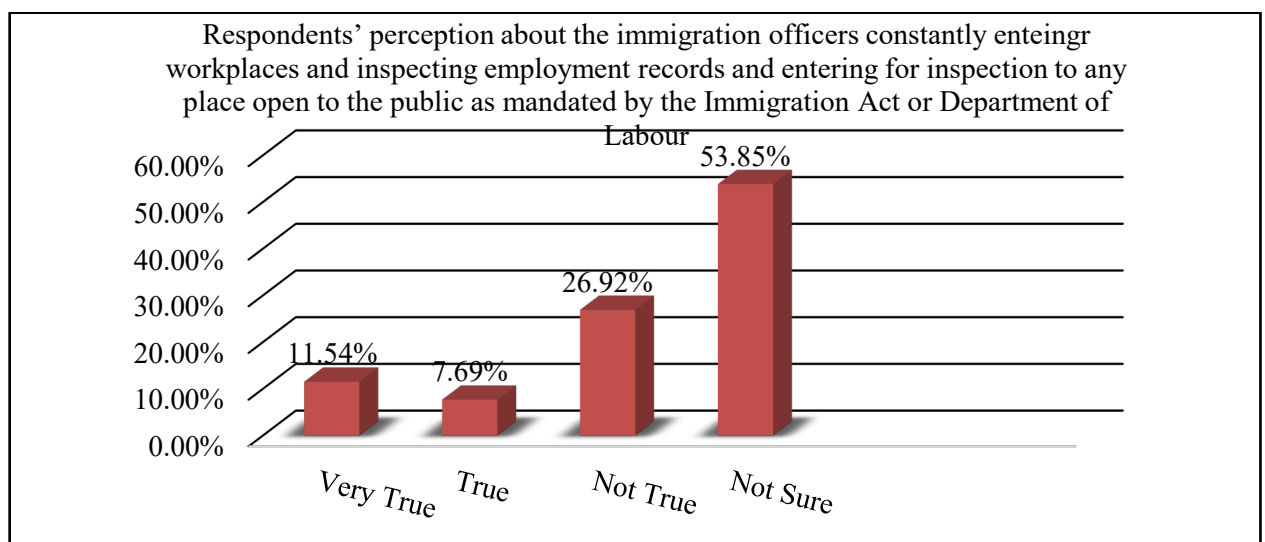
Figure 4.33: Respondents' perception about the illegal foreign national's treatment of the

**law enforcement agencies in the port of entry during admission and departure (n = 26)**

From Figure 4.33 above it is shown that 15.38% of the respondents indicated that it is true and 3.85% responded that it is very true that the illegal foreign nationals treat the law enforcement agencies professionally in the port of entry during admission and departure, 34.62% indicated that this is not true and 45.96% indicated that they are not sure if the illegal foreign nationals treat the law enforcement agencies professionally in the port of entry during admission and departure. The majority (45.96%) of the respondents indicated on the statement that they are not sure about this action. In Section 2.8.1 of the study, it was emphasised that the Immigration Act, 2002 Section 1(1)(xxvii) provides that a port of entry is a place where a foreigner must report before he or she may move, sojourn, or remain within or enter the RSA. It was accentuated by Harris (2001:42) in Chapter 2 Section 2.8.1 that those illegal foreign nationals often buy their permits from corrupt border officials at a port of entry.

**4.8.4.7 Immigration officers constantly enter workplaces and inspect employment records and enter for inspection to any place open to the public as mandated by the *Immigration Act, 2002* or Department of Labour**

The perception of respondents about the immigration officers constantly entering workplaces and inspecting employment records and entering for inspection any place open to the public as mandated by the Immigration Act, 2002 or Department of Labour findings and results are illustrated in Figure 4.34 below.

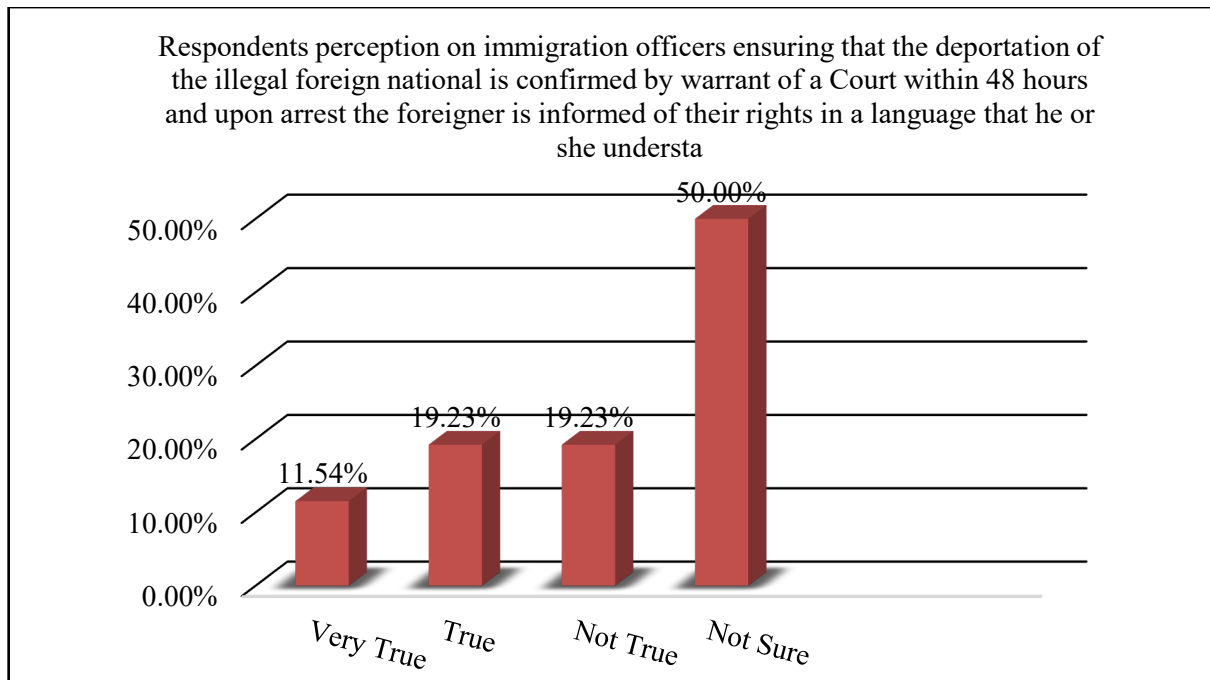


**Figure 4.34: Respondents' perception about immigration officers constantly entering workplaces and inspecting employment records and entering for inspection any place open to the public as mandated by *Immigration Act, 2002* or the Department of Labour (n = 26).**

From Figure 4.34 above, it is shown that 19.23% of the respondents indicated that it is true that the immigration officers constantly enter workplaces and inspect employment records and enter for inspection any place open to the public as mandated by the *Immigration Act, 2002* or the Department of Labour. Of the respondents 26.92% indicated that it is not true that they constantly enter workplaces and inspect employment records and enter for inspection any place open to the public as mandated by the *Immigration Act, 2002* or Department of Labour. A further 53.85% indicated that they are not sure if this occurs. In Chapter 2 Section 2.7 and in Section 2.2.3.7 of the study it was emphasised that in terms of Section 3(1)(a) and (b) of the *Immigration Act, 2002* and in the *Border Management Authority Act, 2020* the BMA officers are authorised to enter workplaces and inspect employment records and enter for inspection any place open to the public. The majority (53.85%) of the respondents indicated that they are not sure about the action.

**4.8.4.8 The immigration officers ensures that the deportation of an illegal foreign national is confirmed by warrant of a court within 48 hours and informed upon arrest the foreigner is informed of their rights in a language that he or she understands**

The perception of respondents that immigration officers ensure the deportation of the illegal foreign national is confirmed by warrant of a Court within 48 hours and that upon arrest the foreigner is informed of their rights in a language that he or she understands results are illustrated in Figure 4.35 below.

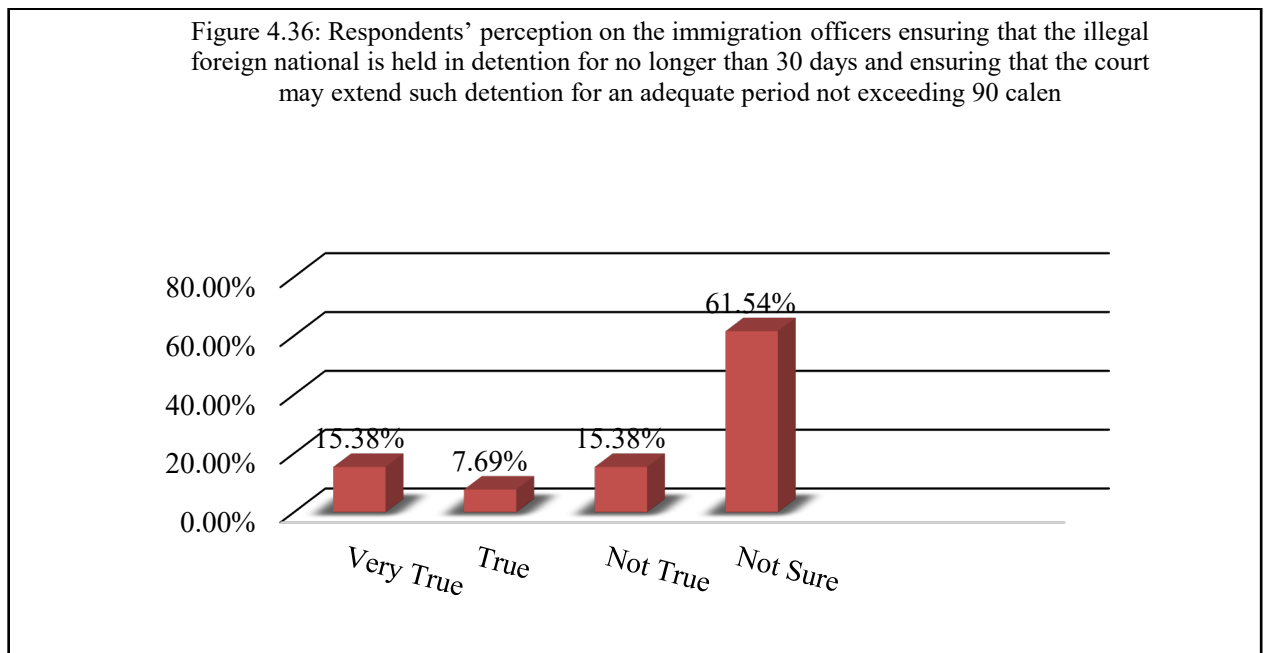


**Figure 4.35: Respondents' perception of the immigration officers ensuring that the deportation of an illegal foreign national is confirmed by warrant of a Court within 48 hours and upon arrest the foreigner is informed of their rights in a language that he or she understands (n = 26).**

From Figure 4.35 above, it shows that 30.77% of the respondents indicated that it is true (19.23%) and very true (11.54%) that the immigration officers ensure that the deportation of the illegal foreign national is confirmed by warrant of a Court within 48 hours and that upon arrest the foreigner is informed of their rights in a language that he or she understands. A further 19.23% of the respondents indicated that this is not true and 50.00% indicated that they are not sure if this occurs. In Chapter 2 Section 2.7.3 of the study, it was emphasised by Hiropoulos (2017:17) that the DHA is responsible to ensure that the detainees are made aware of provisions in a language they clearly understand. Chetty (2004:8) stated that a person should not be detained for over 48 hours from the period of arrest and when a person has been detained for over 48 hours without examination and the immigration officer had to release or detain that person for another 48 hours with written reasons for the detention. The majority (50.00%) of the respondents indicated that they are not sure whether the immigration officers ensure that the deportation of the illegal foreign national is confirmed by warrant of a Court within 48 hours and whether upon arrest the foreigner is informed of their rights in a language that he or she understands.

**4.8.4.9 The Immigration officers ensure that the illegal foreign nationals are held in detention for no longer than 30 days and ensures that the court may extend such detention for an adequate period not exceeding 90 calendar days based on reasonable grounds and the detention follows minimum prescribed standards protecting the foreigner’s dignity and relevant human rights**

The perception of respondents on whether the immigration officers ensure that the illegal foreign national is held in detention for no longer than 30 days as well as that the court may extend such detention for an adequate period not exceeding 90 calendar days based on reasonable grounds and the detention follows minimum prescribed standards protecting the foreigner’s dignity and relevant human rights findings and results are illustrated in Figure 4.36 below.



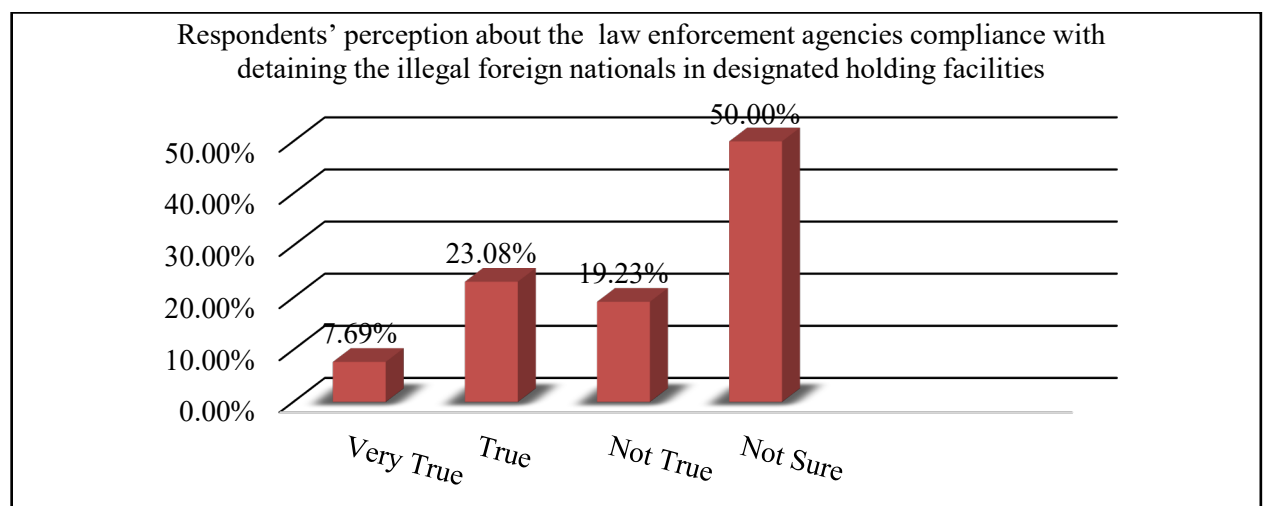
**Figure 4.36: Respondents’ perception on the immigration officers ensuring that the illegal foreign national is held in detention for no longer than 30 days and ensuring that the court may extend such detention for an adequate period not exceeding 90 calendar days based on reasonable grounds and the detention follows minimum prescribed standards protecting the foreigner’s dignity and relevant human rights (n = 26).**

From Figure 4.36 above it shows that 7.69% of the respondents indicated that it is true that the immigration officers ensure that illegal foreign nationals are held in detention for no longer than 30 days and ensure that the court may extend such detention for an adequate period not exceeding 90 calendar days based on reasonable grounds and that

the detention is in compliance with minimum prescribed standards protecting the foreigner’s dignity and relevant human rights, 15.38% of the respondents indicated that this is not true and 61.54% indicated that they are not sure. In Chapter 2 Section 2.7.3 of the study it was emphasised that in terms of Section 34(1)(d) of the *Immigration Act* (Act 13, 2002) an illegal foreign national may not be held in detention for longer than 30 calendar days without a warrant of a Court which on good and reasonable grounds may extend such detention for an adequate period not exceeding 90 calendar days. It was further accentuated in Section 2.7.3 of this study that in terms of Section 35(2) (a) of the *Constitution*, 1996 everyone who is detained, including every sentenced prisoner, has the right to be informed promptly of the reason for being detained. The majority (61.54%) of the respondents indicated that they are not sure about whether this occurs or not.

#### 4.8.4.10 The law enforcement agencies always comply with detaining the illegal foreign nationals in designated holding facilities

The perception of respondents on the law enforcement agencies on complying with the detaining of illegal foreign nationals in designated holding facilities findings and results are illustrated in Figure 4.37 below.



**Figure 4.37: Respondents’ perception about the law enforcement agencies compliance with detaining the illegal foreign nationals in designated holding facilities (n = 26).**

Figure 4.37 above shows that 30.77% of the respondents indicated that it is true that the law enforcement agencies always comply with detaining the illegal foreign nationals in designated holding facilities, 19.23% indicated that this is not true and 50.00% indicated that they are not sure that the law enforcement agencies always comply with detaining the illegal foreign nationals in designated holding facilities. The majority (50.00%) of the respondents indicated on the statement that they are not sure about the action. In Chapter 2 Section 2.7.3 of the study, it was emphasised that in terms of Section 34(1) of the *Immigration Act*, 2002 the Minister of the DHA may determine any place as a holding facility for illegal foreign nationals who have a pending deportation while Hiropoulos (2017:7) further states that the Eastern Cape have 56 police stations which are designated as places of detention. Hiropoulos (2017:9-11) further added in Section 2.7.3 of the study that there is allegations of use of force and physical and verbal abuse when migrants are detained and neglecting of personal hygiene at Lindela Holding Facilities whereby there are unhygienic blankets and mattresses that lead to widespread contagious skin infections and some detainees have to endure a period of up to four months without brushing their teeth. Inadequate screening upon admission at Lindela also exists and insufficient staff capacity at the clinic, which might lead to outbreaks of diarrheal disease. Finally, there is overcrowding that exists that compromised cleanliness and access to water and food.

#### **4.8.4.11 The illegal foreign nationals making use of the temporary residence permit for their admission to enter and sojourn in the RSA so as to be protected from being prohibited or undesirable persons in the country**

The findings and results on the perception of respondents on illegal foreign nationals making use of the temporary residence permit for their admission to enter and sojourn in the RSA so as to become protected from being prohibited or undesirable persons in the country are illustrated in Figure 4.38 below.



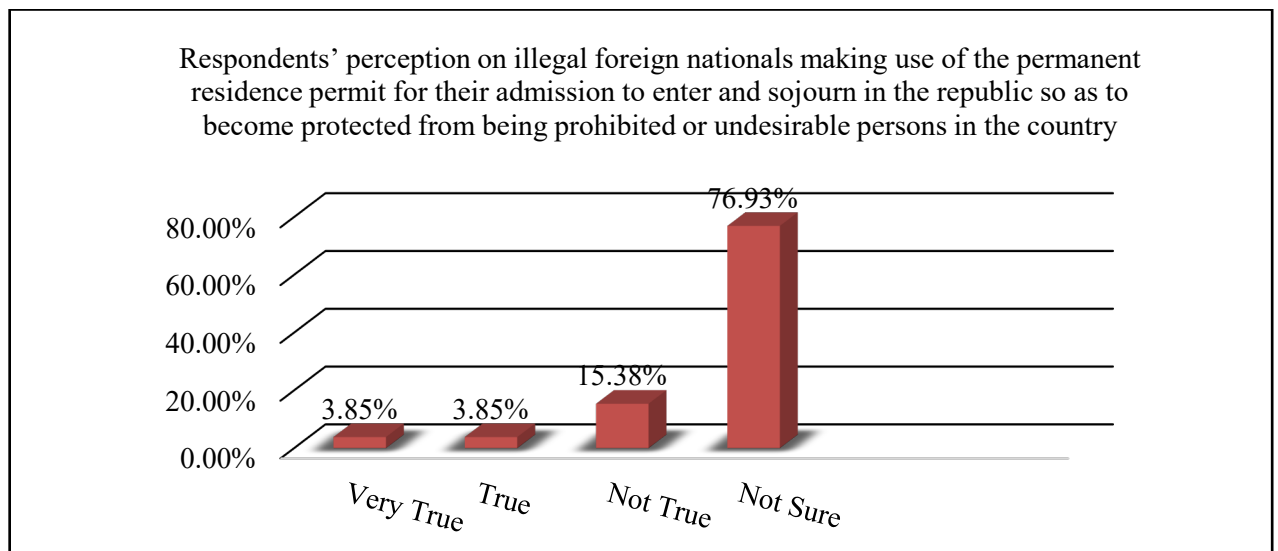
**Figure 4.38: Respondents' perception about the illegal foreign nationals making use of the temporary residence permit for their admission to enter and sojourn in the RSA as to become protected from being prohibited or undesirable persons in the country (n = 26).**

Figure 4.38 above shows that 34.62% of the respondents indicated that it is true that illegal foreign nationals make use of the temporary residence permit for their admission to enter and sojourn in the RSA so as to be protected from being prohibited or undesirable persons in the country, 23.08% indicated that they believe this is not true and the majority, at 38.47%, indicated that they are not sure that the illegal foreign nationals make use of the temporary residence permit for their admission to enter and sojourn in the RSA so as to become protected from being prohibited or undesirable persons in the country. In Chapter 2 Section 2.7.1 of the study, it was emphasised that in terms of Section 9(4) of the *Immigration Act, 2002* a foreigner has a responsibility to produce a passport that is valid for not less than 30 days after the expiry of their intended stay when entering the RSA in the port of entry or a valid temporary residence visa. It was further accentuated in Section 2.7.2 of this study that in terms of Section 10(1) to (6) of the *Immigration Act, 2002* a temporary residence is the permit that is responsible for the admission of a foreigner to enter and sojourn in the RSA. A temporary residence permit may be issued to a foreigner, and it will protect the holder to become a prohibited or undesirable person since the reasonable individual terms and conditions to a temporary residence may be attached. It can also make provision for a foreigner to change their status whilst being in the RSA. The majority (34.62%) of the respondents indicated that they are not sure whether illegal foreign nationals make use of the

temporary residence permit for their admission to enter and sojourn in the RSA so as to become protected from being prohibited or undesirable persons in the country.

#### 4.8.4.12 The illegal foreign nationals make use of the permanent residence permit for their admission to enter and sojourn in the Republic so as to become protected from being prohibited or undesirable persons in the country.

The perception of respondents on illegal foreign nationals making use of the permanent residence permit for their admission to enter and sojourn in the republic as to become protected from being prohibited or undesirable persons in the country findings and results are illustrated in Figure 4.39 below.



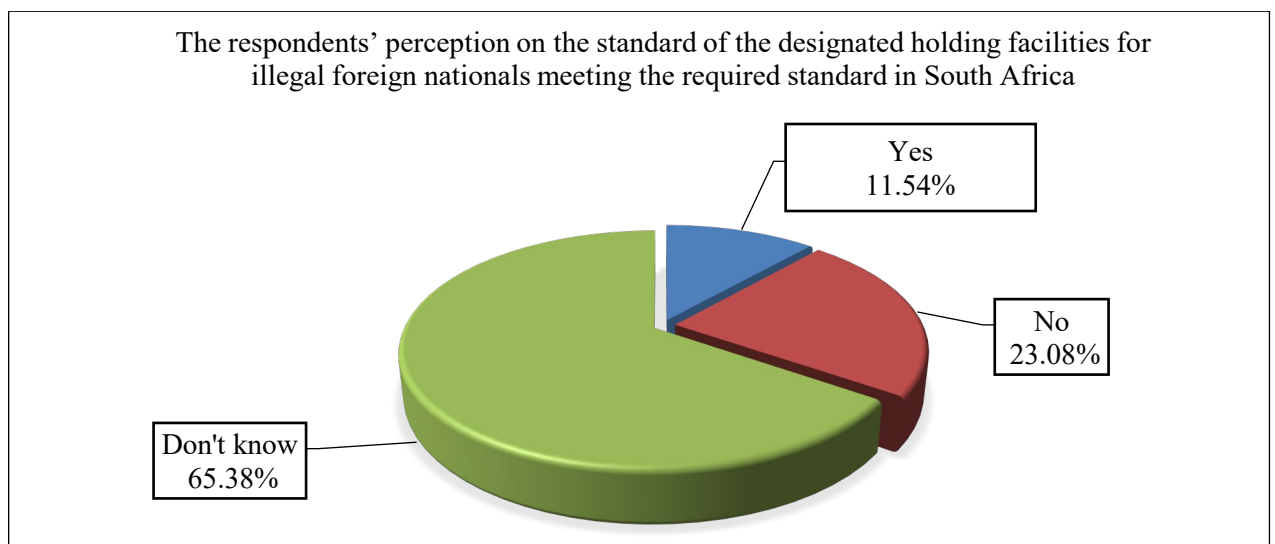
**Figure 4.39: The respondents' perception on illegal foreign nationals making use of the permanent residence permit for their admission to enter and sojourn in the republic so as to become protected from being prohibited or undesirable persons in the country (n = 26).**

From Figure 4.39 above it is shown that 7.7% of respondents indicated that it is very true (3.85%) and 3.75% responded true that the illegal foreign nationals make use of the permanent residence permit for their admission to enter and sojourn in the republic so as to become protected from being prohibited or undesirable persons in the country, A further 15.38% indicated that this is not true and 76.93% indicated that they are not sure if illegal foreign nationals make use of the permanent residence permit for their admission to enter and sojourn in the republic as to become protected from being prohibited or undesirable persons in the country. In Chapter 2, Section 2.7.2 of the study it was emphasised that in terms of Section 28 (a)(b) and (c) of the *Immigration Act, 2002*

the DHA may withdraw a permanent residence permit if its holder has been convicted of any of the schedule one offences within four years of the issuance of such permit, has been convicted three times of any schedule one and two offences and has been absent from the RSA for more than three years without known or valid reasons. It was further accentuated in Section 2.7.2 of this study that in terms of Section 29(1) and 20(1) of the *Immigration Act, 2002* a permanent and temporary residence permit is not issued to prohibited and undesirable foreigners, which also contributes to managing the migration in RSA. The majority (76.93%) of the respondents indicated on the statement that they are not sure whether illegal foreign nationals make use of the temporary residence permit for their admission to enter and sojourn in the RSA so as to become protected from being prohibited or undesirable persons in the country.

#### 4.8.4.13 The standard of the designated holding facilities for illegal foreign nationals meets the required standard in RSA

The perception of respondents about the standard of the designated holding facilities for illegal foreign nationals in meeting the required standard in RSA findings and results are illustrated in Figure 4.40 below.



**Figure 4.40: Respondents' perception about the standard of the designated holding facilities for illegal foreign nationals for meeting the required standard in RSA (n = 26)**

Figure 4.40 above shows that 11.54% of the respondents indicated yes on the statement that the standard of the designated holding facilities for illegal foreign nationals meets

the required standard in RSA, 23.08% of the responses were no to the statement, while 65.38% of the responses indicated that they don't know whether the standard of the designated holding facilities for illegal foreign nationals meets the required standard in RSA. The majority (65.38%) of the respondents indicated on the statement that they don't know, while 23.08% confirmed that the standard of the designated holding facilities for illegal foreign nationals does not meet the required standard in the RSA. In Chapter 2 Section 2.7.3 of this study, it was emphasised by Hiropoulos (2017:9-11) that the conditions at Lindela Holding Facilities are not up to standard. Allegations of the use of force and physical and verbal abuse at Lindela Holding Facility were also emphasised in Section 2.7.3.

**Table 4.5: The means procedure of Category D, Question 4.1 to Question 4.12**

Activity	Average score	Standard deviation
The South African Police Service (SAPS) is discharging its mandate properly in managing the border patrol in RSA so as to prevent the illegal crossing of foreign nationals.	2.80	0.91
The Department of Home Affairs (DHA) is discharging its mandate properly in managing the border patrol of RSA so as to prevent the illegal crossing of foreign nationals.	2.44	0.82
The South African Defence Force (SANDF) is discharging its mandate properly in managing the border patrol in RSA so as to prevent the illegal crossing of foreign nationals.	2.50	0.91
The South African Revenue Services (SARS) is discharging its mandate properly in managing the border patrol in RSA so as to prevent the illegal crossing of foreign nationals.	3.08	0.89
The law enforcement agencies treat the illegal foreign nationals professionally in the port of entry during admission and departure.	2.48	1.23
The illegal foreign nationals treat the law enforcement agencies professionally in the port of entry during admission and departure.	3.20	0.87
The immigration officers constantly enter workplaces and inspect employment records and enter for inspection to any place open to the public as mandated by	3.20	1.04

the Immigration Act or Department of Labour.		
The immigration officers ensure that the deportation of the illegal foreign national is confirmed by warrant of a Court within 48 hours and upon arrest the foreigner is informed the rights in a language that he or she understands.	3.04	1.10
The immigration officers ensure that the illegal foreign national is held in detention for no longer than 30 days and ensures that the court may extend such detention for an adequate period not exceeding 90 calendar days based on reasonable grounds and that the detention is in compliance with minimum prescribed standards protecting the foreigner's dignity and relevant human rights.	3.20	1.15
The law enforcement agencies always comply with detaining the illegal foreign nationals in designated holding facilities.	3.08	1.04
Illegal foreign nationals make use of the temporary residence permit for their admission to enter and sojourn in the RSA so as to become protected from being prohibited or undesirable persons in the country.	2.88	1.05
The illegal foreign nationals make use of the permanent residence permit for their admission to enter and sojourn in the republic so as to become protected from being prohibited or undesirable persons in the country.	3.64	0.76

Table 4.5. above illustrates the means procedure of Category D, question 4.1 to question 4.12. A lower mean value indicates a higher level of correctness.

#### **4.9 FINDINGS OF THE SEMI-STRUCTURED INTERVIEW SCHEDULE**

The findings from the semi-structured interview schedule are outlined in this section.

##### **4.9.1 Findings of Section A Biographical Information**

The findings of Section A the Biographical Information of the respondents who took part in the semi-structured interview schedule conducted with the selected respondents

from the Senqu Local Municipality are illustrated in the table below. Table 4.6 below illustrates the findings of the biographical information.

**Table 4.6 Summary of the findings of Section A: Biographical information of respondents who took part in the semi-structured interviews**

Item Nr	Item	Summary of the findings of the respondents
1.1	Ethnic group	Blacks – seven; one Coloured and one White
1.2	Gender	Six are males and 3 of the respondents are females
1.3	Age	Majority reside between 47 – 58 years. One respondent is 71 years, and one respondent is 60 years old.
1.4	Occupation	Six respondents are Ward Councillor members. Two respondents are appointed municipal officials at Senqu Local Municipality, and one respondent served on the Municipal Public Accounts Committee.
1.5	Years of service in the current position	The majority of the respondents have served in their current position for between 4 to 15 years.
1.6	Highest level of education	Five members have a secondary qualification as their highest qualification. Two members have degree qualifications, and one member has a post graduate qualification

Table 4.9 above shows that the majority of the respondents are black males, between 47 to 58 years of age, and are Ward Councillors. The majority of the respondents served in their current position for four to 15 years and have a secondary qualification as their highest qualification whilst one or two respondents have a degree and only one respondent has a post graduate qualification.

## 4.9.2 Findings of Section B of the semi-structured interview schedule

The findings of the respondents' verbatim responses to the questions in Section B of the semi-structured interview schedule are outlined in the discussions below. Different themes were identified from the thematic analysis of the responses, units of meaning were created to interpret the responses and relevant themes were identified. A summary of the findings of the thematic analysis, interpretations and identified themes of all the questions of Section B of the semi-structured questionnaire are outlined in Section 4.9.2.5 below.

### 4.9.2.1 Summary of the respondents' responses to questions one and two of the semi-structured interview schedule

A summary of the verbatim responses of the respondents are provided in Table 4.7 below on question one and two of the semi-structured interview schedule.

**Table 4.7 Summary of the verbatim responses to question one and two of the semi-structured interview schedule**

Questions	Summary of the respondents' verbatim responses	Units of meaning	Themes
Question One: Does the IDP of Senqu Local Municipality make provision for any reliable estimates of how many illegal foreign nationals (undocumented illegal foreign nationals) live in the Senqu Local Municipality area?	A total of nine respondents responded that the Senqu Local Municipality does not make provision for any reliable estimates on how many illegal foreign nationals (undocumented migrants) live in the Senqu Local Municipality area. One responded that the IDP is based on Stats SA information, and the municipality does not have a separate reporting line for foreign nationals	No reliable estimates in IDP exist on the number of illegal foreign nationals who lives in the area	Municipal IDP
Question Two: Does the Municipal Budget of Senqu Local Municipality make provision for the additional cost of delivering basic services	A total of nine respondents responded that the Senqu Local Municipality budget does not make provision for the additional cost of delivering basic services to the illegal foreign nationals	Municipal budget does not make provision for the additional cost of delivering basic services to	Municipal Budget

<p>to the illegal foreign nationals living in informal settlements in the area and surrounding towns linked to Senqu Local Municipality?</p>	<p>living in informal settlements in the area.</p> <p>One respondent stated that the municipality budgeted for free basic services that is based on variables collected from potential indigent consumers which identity numbers are verified. Verified indigent occupants often rent out parts of their yard or home to illegal foreign nationals and the municipality then actually provide services to illegal foreign nationals</p>	<p>illegal foreign nationals</p> <p>Illegal foreign nationals' benefits from free basic services by renting housing facilities from indigent consumers</p>	
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#### 4.9.2.2 Summary of the respondents' responses to question three to six of the semi-structured interview schedule

A summary of the verbatim responses of the respondents are provided in Table 4.8 below on questions three to six of the semi-structured interview schedule.

**Table 4.8 Summary of the respondents' verbatim responses to questions three to six**

Questions	Summary of the respondents' verbatim responses	Units of Meaning	Themes
<p>Question Three: In your opinion what do you think are the impacts of illegal foreign nationals (undocumented migrants) on the Senqu Local Municipality in terms of provision of service delivery to local communities?</p>	<p>Majority of the respondents responded that illegal foreign nationals' benefit from service delivery such as water and electricity that should have been provided to poor South African residents. It leads to an increase in electricity and water supplies. Their kids have access to free food parcels at schools. Two respondents responded that illegal foreign nationals often use South African identity cards which they obtained illegally to have access to municipal services and RDP houses.</p>	<p>Illegal foreign nationals' benefit from municipal services.</p> <p>Compromise the service delivery needs of South African residents.</p> <p>Increase in demand of free basic services such as electricity and water supplies.</p> <p>Illegal access to South African identity cards to have access to municipal services</p>	<p>Provision of service delivery</p>

<p>Question Four: In your opinion do the continued influx of illegal foreign nationals in Senqu Local municipality area and surrounding towns have any negative impact on the supply of electricity to local communities? If yes explain why you are saying yes, if no, explain why you are saying no.</p>	<p>Seven respondents said yes, illegal foreign nationals have a negative impact on supply of electricity to local communities. They often illegally connect electricity to their informal houses or in back yards of rented houses which lead to an increase in electricity supply.</p> <p>Two respondents said no the influx of illegal foreign nationals do not have a negative impact on supply of electricity to local communities, because they occupied houses and or rent from South African residents who already received electricity.</p>	<p>Negative impact on electricity supplies</p> <p>Illegal electricity connection</p> <p>Have access to electricity by renting houses from South African residents and backyard illegal electricity connections</p>	<p>Provision of electricity supplies</p>
<p>Question Five: In your opinion do the continued influx of illegal foreign nationals in Senqu Local Municipality area and surrounding towns have any negative impact on the supply of water to local communities? If yes explain why you are saying yes, if no, explain why you are saying no.</p>	<p>Eight respondents responded – yes, the continued influx of illegal foreign nationals has a negative impact on the supply of water. The district municipality is the water supplier. Illegal water connections lead to an increase in the demand for water and it influences the water pressure. Water is a scarce commodity.</p> <p>One respondent said no because they use water from Teller River.</p>	<p>Negative impact on water supplies</p> <p>District municipality is the service provider of water supplies.</p> <p>Illegal water connections-influence water pressure</p> <p>Water is a scarce commodity</p>	<p>Provision of water supplies</p>
<p>Question Six: In your opinion do the continued influx of illegal foreign nationals in the Senqu Local Municipality area and surrounding towns have any negative impact on the supply of sanitation services and waste management services to local communities? If yes, explain why you are saying yes, if no, explain why you are saying no.</p>	<p>Seven respondents said yes – the continued influx of illegal foreign nationals has a negative impact on supply of sanitation and waste management. The district municipality is the service supplier of water and waste management. Those who rent houses from South African residents do not pay for services but benefit from these services, it also leads to an increase in the</p>	<p>Negative impact on supply of sanitation and waste management services</p> <p>District municipality is the service provider of water and waste management services</p>	<p>Provision of sanitation and waste management</p>

	<p>demand for sanitation and waste management services. Those living in informal dwellings dump their waste everywhere. More toilet facilities must be installed in informal settlements.</p> <p>Two respondents said no- they dump their waste in the river and use pit toilets.</p>	<p>Increase in demand for sanitation and waste management services</p> <p>Dump their waste everywhere</p> <p>Dump their waste in river – increase in pollution</p>	
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#### 4.9.2.3 Summary of the respondents' responses to questions seven and eight of the semi-structured interview schedule

A summary of the verbatim responses of the respondents is provided in Table 4.9 below on question seven and eight of the semi-structured interview schedule.

**Table 4.9 Summary of the respondents' verbatim responses to questions seven to eight**

Questions	Summary of the respondents' verbatim responses	Units of meaning	Themes
<p>Question Seven: In your opinion do the continued influx of illegal foreign nationals in the Senqu Local Municipality area and surrounding towns have any negative impact on employment and job creation opportunities? If yes, explain why you are saying yes, if no, explain why you are saying no.</p>	<p>Eight respondents said yes - the influx of illegal foreign nationals has a negative impact in that they create employment through cheap labour and employ mostly other illegal foreign nationals. It has a negative impact on current high unemployment rates of local people. One respondent responded that their illegal businesses compete with legal businesses in the formal sector. One respondent said no but the respondent also said that they make use of cheap labour.</p>	<p>Positive impact creates jobs, but they make use of cheap labour, employ mostly other illegal foreign nationals, which has a negative impact on current high unemployment rate of local people.</p> <p>Illegal businesses compete with legal formal businesses</p>	<p>Employment and job creation</p>
<p>Question Eight: In your opinion do the continued influx of illegal foreign nationals in Senqu Local municipality area and surrounding towns have any positive impact on employment and job creation opportunities</p>	<p>Four respondents said yes- illegal foreign nationals have a positive impact by employing South Africans, to work in spaza shops, building of houses but they use cheap labour and employed mostly other illegal foreign nationals. One respondent said they can only make a positive</p>	<p>Employ local people who are willing to provide cheap labour</p> <p>Employ mostly other illegal foreign nationals</p> <p>Involved in illegal activities such as</p>	<p>Employment and job creation</p>

<p>for local communities? If yes explain why you are saying yes, if no, explain why you are saying no in Senqu Local municipality area and surrounding towns.</p>	<p>contribution if they are legal and open legal businesses and pay employees in accordance with Labour Law regulations. The majority (five) of the respondents said no illegal foreign nationals do not have any positive impact on employment and job creation, some employ locals to be involve in their illegal activities (selling drugs), they use cheap labour and employ other illegal foreigners. One respondent said that they buy their goods which they sell in shops in bulk outside the Senqu Local Municipality.</p>	<p>drug smuggling uses cheap labour</p>	
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#### 4.9.2.4 Summary of the respondents' responses to questions nine to thirteen of the semi-structured interview schedule

A summary of the verbatim responses of the respondents were provided in Table 4.9 below on questions nine to thirteen of the semi-structured interview schedule

**Table 4.10 Summary of the respondents' verbatim responses to questions nine to thirteen**

Question	Summary of the respondents' verbatim responses	Units of meaning	Themes
<p>Question Nine: Are you aware of any illegal foreign nationals who obtained an RDP house in a fraudulent way in the Senqu Local Municipality area or surrounding towns? If yes, explain why you are saying yes.</p>	<p>Four respondents said yes, illegal foreign nationals bought RDP houses which were never meant to be sold. Aware of such cases in Herschel Village, Tienbank Location, Lady Grey and in Barkly East but cannot disclose their names.</p> <p>Five respondents said no they are not aware of any illegal foreign nationals who obtained an RDP house in a fraudulent way.</p>	<p>Bought RDP houses which are not meant to be sold.</p> <p>Aware of cases where foreign nationals obtained RDP houses in a fraudulent way, cannot disclose the names.</p>	<p>RDP housing</p>

<p>Question Ten: Are you aware of any other negative impact of the continued influx of illegal foreign nationals on the service delivery responsibilities of Senqu Local Municipality? If yes explain why you are saying yes, if no, explain why you are saying no.</p>	<p>Majority of the respondents mentioned that the illegal foreign nationals do not pay rates and taxes, increase in crime rates, even serious crimes such as murder, they visit clinics that places a burden on health services and health budgets.</p>	<p>Do not pay rates and taxes</p> <p>Increase in crime rates</p> <p>Place a burden on health services such as clinics</p>	<p>Service delivery responsibilities</p>
<p>Question Eleven: Are you aware of any illegal foreign nationals (undocumented foreign nationals) who benefitted from any LED programme/project?</p>	<p>Seven respondents said no they are not aware of any illegal foreign nationals taking part in LED programmes/projects. A certified copy of a South African identity card is required to take part in LED programmes/projects.</p> <p>Two respondents said yes, they often get access illegally to a South African identify card and take part in EPWP LED programmes in this way.</p>	<p>Required certified copy of a South African identity card to participate in LED programme/projects</p> <p>Illegal access to South African identity card – allows access to LED EPWP programme</p>	<p>LED programmes/projects</p>
<p>Question Twelve: Are you aware of any positive impact of the continued influx of illegal foreign nationals (undocumented foreign nationals) in the region? If yes, explain why you are saying yes, if no, explain why you are saying no.</p>	<p>Five of the respondents said yes - the influx of illegal foreign nationals has a positive impact in the region. They take part in the local economy through trading and selling goods. They provide services to local communities who often have to take long trips to get these services such as barber shops, hair dressing, motor mechanics, carpeting services, roofing services, welding services, building services. Some are farm workers (shepherds),</p>	<p>Take part in local economy through trading</p> <p>Provide services to local communities</p> <p>No positive impact in the region</p>	<p>Provide services to local communities</p>

	<p>and the women are housekeepers.</p> <p>Four respondents said no there is no positive impact. Owners of spaza shops do not even bank their monies in local banks. They buy their goods in bulk outside the area</p>		
<p>Question Thirteen: Are you aware of whether any illegal foreign nationals participate in local activities, including ward committee meetings, where they reside in Senqu Local Municipality area? If yes, explain why you are saying yes, if no, explain why you are saying no.</p>	<p>Five of the respondents said that illegal foreign nationals attend ward committee meetings in the residential areas in which they reside. They also take part in traditional ceremonies.</p> <p>Four respondents said no they do not participate in any ward committee meetings. Illegal foreign nationals shy away from any government structure</p>	<p>Ward committee meetings</p> <p>Shy away from any formal government structure</p>	<p>Participation in local activities/ structures</p>

#### **4.9.2.5 Summary of thematic analysis and interpretations of all the responses to the questions in Section B of the semi-structured interview schedule**

It was interpreted from two of the identified themes, namely municipal IDP and municipal budget, that there are no reliable estimates in the IDP which exist on the number of illegal foreign nationals who live in the area. Furthermore, the municipal budget does not make provision for the additional cost of delivering basic services to illegal foreign nationals. The interpretations with the identified theme, provision of service delivery, showed that illegal foreign nationals' benefit from municipal services, which are compromised of the service delivery needs of South African citizens. It was accentuated that illegal foreign nationals often obtain fraudulent South African identity cards to have access to municipal services, without paying rates and taxes. The interpretations of the identified theme, provision of electricity, showed that illegal foreign nationals have a negative impact on electricity supplies. They have access to electricity by illegal connections in informal settlements or through backyard illegal electricity connections and this has a negative impact on electricity supplies. The

interpretation of the identified themes, provision of water supplies and provision of sanitation and waste management supplies, showed that this function is provided by the district municipality. The findings showed that the continued influx of illegal foreign nationals has a negative impact on water supplies as well as on sanitation and waste management, due to an increase in the demand for these services as a result of illegal water connections, which has a negative impact on the water pressure in the area. More toilet facilities must be installed in informal settlements. The interpretations from the identified themes, employment and job creation, showed that illegal foreign nationals have a positive impact in that they create jobs for people who are willing to work as cheap labour, but they employ mostly other illegal foreign nationals, which has a negative impact on the current high unemployment rate of local people. The interpretations from the identified theme, RDP housing, accentuated that illegal foreign national have illegally bought RDP houses which are not meant to be sold or they obtained RDP houses in a fraudulent way by obtaining South African identify cards to have access to RDP houses. It was emphasised from the interpretations of the identified theme, service delivery responsibilities, that illegal foreign nationals do not pay rates and taxes. They also visit clinics and hospitals which places a burden on health services. The interpretations from the identified theme LED programme/projects showed that a certified copy of a South African identify card is required to take part in LED programmes/projects, however one respondent mentioned that illegal foreign nationals often obtain South African identity cards illegally, which allows them access to LED EPWP programmes. From the identified theme, illegal foreign nationals provide services to local communities, it was interpreted that they provide services to local communities who previously had to take long trips to get these services. These include barber shops, hair dressing, motor mechanics, carpeting services, roofing services, welding services and building services. However, four respondents responded that there is no positive impact in that spaza shop owners do not bank their money in local banks and they buy their goods in bulk outside the area. Lastly, the interpretations of the identified theme, participation in local activities/structures, emphasised that illegal foreign nationals shy away from participation in any government structures, while the majority of the respondents stated that illegal foreign nationals attend ward committee meetings and other traditional ceremonies.

#### 4.10 SUMMARY

In this chapter, the research methodology, research approach and design, population and sampling data collection methods and data analysis methods were discussed as empirical information which justified the importance of the study which was conducted and presented in the management of illegal foreign nationals within the Joe Gabi District Municipality and the Senqu Local Municipality in the Eastern Cape Province. This study was conducted with specific reference to the Senqu Local Municipality towns and community residential areas. The chapter considers qualitative research methodology and explains the data gathering techniques and sampling used for the study. Attention further focused on the reliability and validity of data measuring instruments to ensure that the study is credible and trustworthy.

The findings of the semi-structured questionnaire concerning the perceived impact of illegal foreign nationals on the social environment of Senqu Local Municipality revealed that the majority of the respondents believe that some illegal foreign nationals cross to RSA with their families and belongings without using the border gates on a very frequent basis. The majority of the respondents confirmed that some illegal foreign nationals are engaged in illegal activities when they reside in RSA and that some of the illegal foreign nationals acquire South African identification documents fraudulently. Furthermore, the majority of the respondents maintained that some of illegal foreign nationals marry SA women to acquire SA citizenship and that some of the illegal foreign nationals' children have access to education in RSA without proper documents. It was further accentuated in the chapter that the majority of the respondents indicated that the control of the influx of illegal foreign nationals has a negative effect on selected socio-economic conditions in local communities in the Senqu Local Municipal area.

The findings from the semi-structured questionnaire concerning the perceived impact of illegal foreign nationals on the economic environment of Senqu Local Municipality reveals that the majority of the respondents are of the opinion that some illegal foreign nationals very frequently access employment in RSA without proper documentation. It is also believed that illegal foreign nationals are frequently underpaid by their employers in RSA. The majority of the respondents further confirm that very frequently illegal foreign nationals are involved in SMMEs in RSA and that some illegal foreign nationals sell illegal products at their businesses. It was also confirmed from the respondents that

illegal foreign nationals rarely or never bank their earnings in RSA, while the majority of the respondents also indicated that the illegal foreign nationals never pay tax in South Africa. Another concern that was confirmed by the majority of respondents of the semi-structured questionnaire is that illegal foreign nationals never pay the South African employees according to requirements of the *Basic Conditions of Employment Act, 1997* or with the requirement of Health and Safety regulations in their businesses.

Findings from the semi-structured interviews showed that there are no reliable estimates in that exist in the IDP on the number of illegal foreign nationals who live in the Senqu Local Municipality area. It was further emphasised that illegal foreign nationals have a negative impact on electricity and water supplies, due to illegal connections in informal settlements or through backyard illegal connections. The chapter showed that illegal foreign nationals often obtain fraudulent South African identity cards to have access to municipal services, without paying rates and taxes. The findings from the semi-structured interviews further showed that illegal foreign nationals illegally buy RDP houses which are not meant to be sold or they obtain RDP houses in a fraudulent way by obtaining South African identify cards to have access to RDP houses.

In Chapter 5 an overview of the chapters is provided and recommendations made regarding the perceived impact of illegal foreign nationals on selected socio-economic conditions in Senqu Local Municipality in the Eastern Cape Province.

## **CHAPTER FIVE: OVERVIEW OF CHAPTERS, RECOMMENDATIONS AND CONCLUSION**

### **5.1 INTRODUCTION**

This chapter originated by converging summaries of Chapters 1, 2, 3, and 4. The problem statement of the study, as explained in Chapter 1, was as follows: The socio-economic conditions in the Senqu Local Municipality area will not improve due to an increasing influx of illegal foreign nationals into the area. The main aim of the study was to positively contribute to the effective management and regulations of illegal foreign nationals to improve the selected socio-economic conditions in Senqu Local Municipality in the Eastern Cape Province. This study, therefore, seeks to assess the perceived impact of illegal foreign nationals on selected socio-economic conditions in Senqu Local Municipality, Eastern Cape Province. This chapter repeated the research objectives and questions and an overview on how these objectives have been achieved is provided. Lastly, the chapter proposed several recommendations based on the literature study and research findings to improve the selected socio-economic conditions in Senqu Local Municipality in the Eastern Cape Province.

### **5.2 SUMMARY OF THE CHAPTERS**

**Chapter 1** provided a brief literature overview of the topic under investigation, the background to the problem, the problem statement, research objectives and questions, the research methodology, design, population and sampling, research instruments, data collection and data analysis, the ethical considerations and limitations of the study and the provisional layout of the study. The chapter outlined that the selected socio-economic conditions refer to access to health care, housing, basic education, access to basic service delivery such as water, electricity and sanitation and to find sustainable ways of which employment opportunities cannot be excluded to local communities social and economic needs and to improve their quality of lives.

**Chapter 2** deliberated on a theoretical overview of the management of migration and illegal foreign nationals. In this chapter, a specific focus of discussion was placed on conceptualising of concepts. International convention protocols and national regulatory

legislative frameworks on migration and illegal foreign nationals were provided. An overview of migration and trends of the influx of illegal foreign nationals into RSA were outlined, followed by a discussion about the reasons for migrating into RSA. The impact of migration and illegal foreign nationals on service delivery in SA cities and towns was provided. The control measures to control the influx of foreign nationals in RSA were outlined, followed by a discussion about the function of enforcement and monitoring of illegal foreign nationals as a control measure.

It was emphasised in this chapter that in terms of Section 10 of the *Constitution*, 1996 all persons, of which documented and undocumented (illegal foreign nationals), cannot be excluded. This expansively delineates the rights of migrants and provides for their protection for unconstitutional conduct and human rights violations. The chapter further emphasised that the release of the *Green Paper on International Migration* in 2016 and the subsequent *White Paper on International Migration* in July 2017 provides major policy changes towards migrants, permanent residence and the asylum system related to migrants from Africa and the SADC region. The main objective of the *White Paper on International Migration* (2017:67) is to reduce irregular migration and to improve the compliance and enforcement with immigration and related legislative prescripts. It was accentuated in Chapter 2 that the promulgation of the *Border Management Act*, 2020 strives to achieve a more integrated border law enforcement approach within the border law enforcement areas and at ports of entry to promote cooperation and coordination of border management matters. The *Border Management Authority Act*, 2020 recognised that border management is exercised by multiple organs of state with the purpose of securing the borders of the RSA and protecting national interest. However, the Act further acknowledge the circumstances of modern travel and trade that requires a single authority, namely the BMA, to be responsible for ports of entry and the control of the borders of the RSA. It was further emphasised that in terms of Section 27(5)(a) of the *Border Management Authority Act*, 2020, the BMA must within six months after the commencement of this section of the Act, conclude implementation protocols with the SADF, SAPS and SARS for the mandatory cooperation of their respective functions within the border law enforcement area and at ports of entry. Lastly, it was argued in Chapter 2 that South Africa has failed to come up with a policy which sufficiently addresses the problem of illegal foreign nationals in the RSA. The implementation of applicable legislation such as the *Immigration Act*, 2002, *Immigration Amendment Act*,

2004 and the *Border Management Act, 2020* remains a challenge to reduce the continued influx of illegal foreign nationals into South Africa.

The chapter further accentuated the fact that there is no reliable information available about the numbers of illegal foreign nationals in the country. A concern was raised that data from Stats SA, which is the most used source of data by national, provincial government and by municipalities to draw population information as well as for planning and budgeting processes and to determine financial support allocated to municipalities through the local government equitable share, is not reliable. It was noted that if the data on migration is not correct it will impact on the financial resources transferred to local government. The chapter further emphasised that although migration does have considerable benefits there are also potential costs in destination such as disruption of labour markets, the displacement of local workers, disruption of social protection systems and effects on public service providers. The presence of large numbers of illegal foreign nationals compounded challenges in the provision of basic service delivery, health services, basic education, employment and housing opportunities to South African citizens. Most municipalities in South Africa are poorly equipped to address the demands of migrants and illegal foreign nationals. The cost-of-service delivery tends to be much higher in rural areas than in cities. Many of the social- and economic concerns associated with migration and the movements of people are not explicitly dealt with by municipalities. As such the primary needs of migrants, such as shelter, access to health care, education, employment opportunities and administrative justice, safety, security and proper treatment, are formally the responsibility of national and provincial governments. Therefore, many municipal officials are of the opinion that migration movement is not a local government mandate. Furthermore, the continued influx of illegal foreign nationals has increased the need for additional free basic service provision. It was argued that the influx of illegal foreign nationals places an additional burden on municipalities to deliver basic service delivery and imposes a budgetary burden on municipalities. Another concern was raised that some illegal foreign nationals have been involved in criminal activities that weakens the state and its institutions by corrupt officials assisting in supplying fake documents and undeserved status and tarnishing the country's image locally and abroad. Through the chapter, it has been noted that the management of migration and illegal foreign nationals cannot be managed in silo actions, therefore, the current control measures that are responsible to control the influx of foreign nationals in South Africa are discussed,

together with the enforcement and monitoring of foreigners as a control measure in the management of foreigners and illegal foreign nationals as well as law enforcement mechanisms and other role players to regulate the influx of legal and illegal foreign nationals in South Africa with specific reference to the Senqu Local Municipality in the Eastern Cape. The chapter emphasised that border control at smaller ports of entry is not sufficient. It was accentuated that the National Targeting Centre must issue early warnings to the BMA at ports of entry so as to detect suspected high-risk people, goods and conveyances to enable the BMA to detect illegal activities before they occur at the border. The BMA must ensure that officials responsible for border management at ports of entry receive proper training to fulfil their border management functions in an effective manner.

**Chapter 3** outlined a theoretical overview of socio-economic development of local communities with specific reference to the perceived effect of illegal foreign nationals on socio-economic conditions in the Senqu Local Municipality. The chapter commenced with an overview of the national legislative framework and policies for developmental local government and local economic development of local communities, followed by a discussion about the relationship between community development, socio-economic and local economic development (LED) and an overview of socio-economic development of local communities in South Africa. The existing socio-economic and local LED structures in Senqu Local Municipality, employment and job creation in Senqu Local Municipality as part of the Senqu Local Municipality LED strategy were discussed, followed by a discussion about the current challenges in socio-economic development in Senqu Local Municipality. A discussion on the perceived impact of the influx of illegal foreign nationals on selected socio-economic conditions with specific reference to Senqu Local Municipality were outlined in Chapter 3. It was argued that the influx of illegal foreign nationals has a negative impact on existing health services in the Senqu Local Municipality area which means that the DOH is faced with the challenge of having an increased need of beds, patient's meals, medicine, wards and nurses but with limited financial resources. The continued influx of illegal foreign nationals in the Senqu Local Municipal area contributes to an increase in informal settlements that have an impact on the provision of basic service delivery to local communities, and this leads to more illegal water and electricity connections. It was emphasised that the Senqu Local Municipality has a very high youthful population which indicates a need for employment opportunities in the area. It was further

emphasised that the employment of illegal foreign nationals who are willing to work for low wages has become a source of conflict with local communities around the Senqu Local Municipal area. The continued influx of illegal foreign nationals into the Senqu Local Municipal area could have a negative impact on the Eastern Cape Department of Education's ability to provide primary and secondary education to local communities due to limited resources. Section 39(1)(a) of the *Immigration Act, 2002* provides that no learning institution shall provide training or instruction to illegal foreigners. The Eastern Cape High Court ruling (Case number 2840/20170) requires from the Eastern Cape Department of Education to admit all children who are not in possession of an official birth certificate into public schools in the Eastern Cape Province. The latter places an additional burden on the Department of Education to provide education to local communities in the Senqu Local Municipality area which has the second lowest level of education with minimum primary and secondary facilities.

**Chapter 4** presented the research methodology, research design, sampling techniques, data collection and data analysis, followed by discussion about validity and reliability in qualitative studies as used in the study. Finally, the data was presented which was gathered from the findings, and results of the semi-structured questionnaire, as well as an analysis of the findings. It concluded by presenting the data which was gathered from the semi-structured interviews.

It was accentuated in this chapter from the findings of the semi-structured questionnaire that the majority of the respondents believe that illegal foreign nationals very frequently cross into the RSA without going through the border (See Appendix D). The majority of the respondents replied that the role players responsible for border management such as the DHA, SAPS, SADF and the BMA in terms of the *Border Authority Act, 2020* who is responsible for border management at ports of entry, fail in discharging their mandate to manage the borders in RSA to prevent the crossing of illegal foreign nationals into the Senqu Local Municipal area.

It was further accentuated that respondents believe that very frequently some illegal foreign nationals access employment without proper documentation and never pay tax in South Africa. The respondents of the semi-structured questionnaire were of the opinion that some illegal foreign nationals very frequently access employment in RSA

without proper documentation and that illegal foreign nationals are underpaid by their employers in RSA on a frequent basis. The majority of the respondents confirmed that very frequently illegal foreign nationals are involved in SMMEs in RSA and that illegal foreign nationals sell illegal products at their businesses in RSA. The findings from the semi-structured interviews showed that there are no reliable estimates that exist in the IDP on the number of illegal foreign nationals who live in the Senqu Local Municipality area. It was further emphasised that illegal foreign nationals have a negative impact on electricity supplies, due to illegal connections in informal settlements or through backyard illegal electricity connections. The findings from the semi-structured interviews emphasise that illegal foreign nationals often obtain fraudulent South African identity cards to have access to municipal services, without paying rates and taxes. It was further accentuated that the continued influx of illegal foreign nationals has a negative impact on water supplies with an increase in the demand for these services due to illegal water connections, which has a negative impact on the water pressure in the area. The findings from the semi-structured interviews further showed that illegal foreign nationals illegally bought RDP houses which are not meant to be sold or they obtained RDP houses in a fraudulent way by obtaining South African identify cards to have access to RDP houses.

**Chapter 5** concluded the study by providing a summary of the chapters, discussing the conclusions drawn from the study, suggesting some recommendations and highlighting the limitations of the study.

### **5.3 RESEARCH OBJECTIVES**

The primary research objective of this study was to assess the perceived impact of illegal foreign nationals on selected socio-and economic conditions on the Senqu Local Municipality in the Eastern Cape Province.

The following were the secondary objectives in Chapter 1 of the study:

- To determine the provisions of regulatory legislative frameworks to regulate the influx of movement of foreign nationals and illegal foreign nationals who migrate into RSA.

- To determine the control measures which are in place to regulate the influx of foreign nationals and illegal foreign nationals into the Senqu Local Municipality area.
- To determine how the influx of illegal foreign nationals into the Senqu Local Municipality area influences the provision of health care services.
- To determine how the influx of illegal foreign nationals into the Senqu Local Municipal area influences the provision of housing.
- To determine how the influx of illegal foreign nationals into the Senqu Local Municipal area influences the provision of basic service delivery such as water, electricity and sanitation.
- To determine how the influx of illegal foreign nationals into the Senqu Local Municipal area influences the availability of employment opportunities to meet the social, economic and material needs of community members to improve their living conditions.
- To make recommendations to improve the way that the Senqu Local Municipality and other mandated role players manage and regulate the influx of illegal foreign nationals into the area to ensure the promotion of the selected socio-and economic conditions of communities in the area.

### **5.2.1 Objective 1: To determine the provisions of regulatory legislative frameworks to regulate the influx of movement of foreign nationals and illegal foreign nationals who migrate into RSA**

A question was asked in Chapter 1, Section 1.3.1 of this study as to what the provisions of regulatory legislative frameworks are to regulate the influx of movement of foreign nationals and illegal foreign nationals who migrates into South Africa. This was outlined in Chapter 2 of the study. The international convention protocols and national regulatory and legislative frameworks on migration and illegal foreign nationals were discussed in Chapter 2.

### **5.2.2 Objective 2: To determine the control measures which are in place to regulate the influx of foreign nationals and illegal foreign nationals into the Senqu Local Municipal area**

A question was asked in Chapter 1 Section 1.3.1 of this study as to determine the control measures that are in place to regulate the influx of foreign nationals and illegal foreign nationals into the Senqu Local Municipal area. Chapter 2 and Chapter 4 of this study responded to the question through highlighting various control measures such as admission and departure, permanent and temporary residence visas, deportation, and detention of illegal foreigners. The function of enforcement and monitoring of illegal foreign nationals as a control measure such as port of entry, border control, projects with special dispensations and Lesotho and Zimbabwean special dispensations were outlined in Chapter 2, with specific reference to the Senqu Local Municipality area. The responses from the respondents concerning several questions related to the above subsidiary question were discussed in Chapter 4 of the study.

### **5.2.3 Objective 3: To determine how the influx of illegal foreign nationals into the Senqu Local Municipal area influences the provision of health care services**

A question was asked in Chapter 1 Section 1.3.1 of this study to determine how the influx of illegal foreign nationals into the Senqu Local Municipal area influences the provision of health care services. The effect of the influx of illegal foreign national's health care services were discussed in Chapter 3. The responses from the respondents to the question were discussed in Chapter 4 of the study.

### **5.2.4 Objective 4: To determine how the influx of illegal foreign nationals into the Senqu Local Municipal area influences the provision of housing**

A question was asked in Chapter 1 Section 1.3.1 of this study to determine how the influx of illegal foreign nationals into the Senqu Local Municipal area influences the provision of housing. The effect of illegal foreign nationals on the provision of housing in the Senqu Local Municipality were outlined in Chapter 3 of this study. The responses from the respondents to the question were discussed in Chapter 4 of the study.

**5.2.5 Objective 5: To determine how the influx of illegal foreign nationals into the Senqu Local Municipal area influences the provision of basic service delivery such as water, electricity and sanitation**

A question was asked in Chapter 1 Section 1.3.1 of this study as to determine how the influx of illegal foreign nationals into the Senqu Local Municipal area influences the provision of basic service delivery such as water, electricity and sanitation. The effect on basic service delivery including the provision of water, electricity and sanitation in Senqu Local Municipality area were discussed in Chapter 3 of this study. The responses from the respondents to the question were discussed in Chapter 4 of the study.

**5.2.6 Objective 6: To determine how the influx of illegal foreign nationals into the Senqu Local Municipal area influences the availability of employment opportunities to meet the social, economic and material needs of community members to improve their living conditions**

A question was asked in Chapter 1 Section 1.3.1 of this study as to determine how the influx of illegal foreign nationals into the Senqu Local Municipal area influences the availability of employment opportunities to meet the social, economic and material needs of community members to improve their lives. The effect of the influx of illegal foreign nationals on employment opportunities in the Senqu Local Municipality were discussed in Chapter 3 of the study. The responses from the respondents to the question were discussed in Chapter 4 of the study.

**5.2.7 Objective 7: To make recommendations to improve the way that Senqu local municipality and other mandated role players manage and regulate the influx of illegal foreign nationals into the area to ensure the promotion of the selected socio-and economic conditions of communities in the area**

A question was asked in Chapter 1 Section 1.3.1 of this study as to make recommendations to improve the way that the Senqu Local Municipality and other mandated role players manage and regulate the influx of illegal foreign nationals into the area to ensure the promotion of the selected socio-and economic conditions of communities in the area. Chapter 2 of the study outlined the mandated role players to manage and regulate the

influx of illegal foreign nationals such as the SAPS, DHA, SANDF, Doj and CD, DSD, SARS and in terms of the *Border Management Authority Act, 2020* the BMA. Section 4.8.2 and Section 4.8.3 of Chapter 4 provided the findings regarding the respondent's perception on the perceived impact of illegal foreign nationals on the selected social and economic environment of Senqu Local Municipality. In Section 4.8.4 of Chapter 4 of this study the findings of the respondent's perceptions on the mandated role player's functions in managing border control to prevent the illegal crossing of foreign nationals were provided. The findings of the respondent's responses regarding the perceived impact of illegal foreign nationals on service delivery in the Senqu Local Municipality were provided in Section 4.9.2 of the study. Based on the findings of the literature study and the empirical study specific recommendations were outlined in Section 5.4 below to improve the way that the Senqu Local Municipality and other mandated role players manage and regulate the influx of illegal foreign nationals into the area to ensure the promotion of the selected socio- and economic conditions of communities in the area.

### **5.3 RESEARCH FINDINGS AND SUMMARY OF THE EMPIRICAL FINDINGS**

It was summarised in Chapter 4 Section 4.8 that it is evident from the research that the perceived impact of illegal foreign nationals on selected socio-economic conditions on Senqu Local Municipality in the Eastern Cape Province is caused by various factors that are contributing negatively on the selected socio- and economic conditions in the Senqu Local Municipality Eastern Cape Province.

The following is a summary of the findings in Chapter 4 of the study: It has been observed that the majority of the respondents stated that:

- Illegal foreign nationals manage to cross the RSA borders from Lesotho without using the border gates with their families and belongings on a regular basis (See Appendix D).
- Some illegal foreign nationals are engaged in illegal activities when they reside in RSA.

- Some illegal foreign nationals manage to acquire South African identification documents in a fraudulent manner.
- Some illegal foreign nationals marry SA women to acquire SA citizenship.
- Some illegal foreign nationals have access to social grants by obtaining South African identification documents in a fraudulent manner.
- Some illegal foreign nationals managed to cross the borders from Lesotho to RSA to access medical health care facilities in the Senqu Local Municipal area without posing any language barrier between the illegal foreign nationals and the SA health facilities.
- Some illegal foreign nationals very frequently access employment in RSA without proper documentation and the majority of the respondents replied that illegal foreign nationals are underpaid by their employers in RSA on a frequent basis.
- Some illegal foreign nationals are selling illegal products at their businesses in the Senqu Local Municipality area.
- Some illegal foreign nationals often obtained fraudulent South African identity cards to have access to municipal services, without paying rates and taxes.
- Most of the illegal foreign nationals do not create any employment or job opportunities for South African citizens in the Senqu Local Municipal area. If they managed to establish SMMEs in RSA they prefer to employ other illegal foreign nationals and if they employ people from local communities, they do not pay South African citizens (employees) in accordance with the *Basic Conditions of Employment Act, 1997* nor do they comply with the requirements of the *Occupational Health and Safety Act, 1993*.
- Most of the illegal foreign nationals only occasionally bank their money in RSA.
- The majority of the respondents responded that the continued influx of illegal foreign nationals has a negative impact on selected socio-economic conditions in the Senqu Local Municipal area such as access to health care, housing, basic education, employment opportunities and access to basic service delivery such as water, electricity and sanitation.

**From the findings of Chapter 4 regarding the law enforcement environment, a majority of the respondents indicated that:**

- The role players responsible for the border management such as DHA, SAPS and SADF of which the BMA who in terms of the *Border Authority Act, 2020* responsible for border management at ports of entry fail in discharging their mandate in managing the borders in RSA to prevent the illegal crossing of foreign nationals into Senqu Local Municipality area.
- The majority of the respondents stated that law enforcement agencies treat the illegal foreign nationals in a professional manner at the port of entry during admission and departure into the Senqu Local Municipality area.

#### **5.4 RECOMMENDATIONS**

The main purpose of the study was to assess the perceived impact of illegal foreign nationals on selected socio- and economic conditions in the Senqu Local Municipality Eastern Cape Province. Based on the literature and empirical research undertaken the following were recommended to improve the way that the Senqu Local Municipality and other mandated role players manage and regulate the influx of illegal foreign nationals into the area to ensure the promotion of the selected socio-and economic conditions of communities in the area:

- The applicable legislation, such as the *Immigration Management Act, 2002* and amendments and the *Border Management Authority Act, 2020* must be effectively implemented and the relevant mandated role players must protect the borders. In addition, the BMA must manage all ports of entry in a sufficient manner to prevent illegal crossings of foreign nationals into the Senqu Local Municipal Area.
- As required in the *Border Management Authority Act, 2020* the BMA in the Senqu Local Municipal area must ensure that they conclude implementation protocols with the mandated role players such as the SADF and SAPS for the mandatory cooperation of their respective functions within the border law enforcement area and at ports of entry.

- The DHA must ensure that BMA officials responsible for border management at ports of entry receive proper training to fulfil their border management functions in an effective manner.
- The DHA must do more to prevent illegal foreign nationals obtaining South African identify documents fraudulently.
- The mandated role players must do more to prevent illegal foreign nationals having access to employment opportunities without proper documentation in the Senqu Local Municipal area.
- The DHA and BMA must ensure that illegal foreign nationals without the required documentations be deported and detained in accordance with legislative prescripts.
- The mandated role players must do more, to take the required legal steps against South African employers who hire illegal foreign nationals and who pay them below the minimum legal wages in the Senqu Local Municipality area.
- The mandated role players must do more to ensure that all SMME's in the Senqu Local Municipality area adhere to the requirements of the *Basic Conditions of Employment Act*, and the requirements of the *Occupational Health and Safety Act*, 1993.
- Stats SA should provide more reliable estimates regarding the number of illegal foreign nationals living in South Africa to ensure that national and provincial governments have more reliable data used to fund local government to deliver basic service delivery to all communities.
- The Senqu Local Municipality should make provision for more reliable estimates in their IDP's regarding the number of illegal foreign nationals living in the municipal area, to be able to deliver services to all people living in the area.
- Municipalities, including the Senqu Local Municipality, must have up to date by-laws aligned with the *Constitution*, 1996 and relevant legislation to address the challenges posed by the continued influx of illegal foreign nationals.
- The Sengu Local Municipality must do more to prevent and remove any illegal water and electricity connections in their area.
- The Senqu Local Municipality and relevant provincial departments must do more to address the negative effect of illegal foreign nationals on socio-economic conditions such as health care services, basic education, housing and the provision

of basic service delivery including the provision of water, electricity and sanitation in the area.

- The SAPS must investigate the allegations that some illegal foreign nationals often obtain fraudulent South African identity cards to have access to municipal services as well as obtaining RDP houses in a fraudulent manner without paying rates and taxes.

## **5.5 CONTRIBUTION OF THE STUDY**

The significance of this study is found in the contributions to theoretical knowledge about the perceived impact of the influx of illegal foreign nationals on selected socio-economic conditions in the Senqu Local Municipality in the Eastern Cape Province. Based on previous studies, it has been established that no previous studies were conducted to assess the perceived impact of illegal foreign nationals on selected socio-economic conditions in the Senqu Local Municipality. Therefore, this study should make a significant contribution to this area of research. The researcher is a member of the DHA and the findings of this study could possibly contribute to more effective suggestions regarding the role of the BMA National Targeting Centre to provide early warning to the BMA borders and ports of entry so as to detect suspected high-risk people, goods and conveyances, outside of the mandate of Customs or the SANDF.

## **5.6 LIMITATIONS**

As provided in Section 1.9 of Chapter 1 of this study the following were the limitations of this study which dealt with the generalisation of findings whereby the confidentiality of information and anonymity of participants is always protected and remains private. It was accentuated in the limitations that the findings of the study are restricted to respondents based in Senqu Local Municipality area. Therefore, caution should be exercised regarding the generalisation of the findings to other provinces in the country and beyond.

## **5.7 SUMMARY**

The chapter focused on the summary of the entire study and summarised the findings made in earlier chapters based on the research objectives. Based on the findings, conclusions were drawn, and recommendations were made. The study attempted to make a contribution regarding the perceived impact of illegal foreign nationals on selected socio-economic conditions in Senqu Local Municipality in the Eastern Cape Province.

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## APPENDIX A: LETTER DIRECTED TO THE RESPONDENTS

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CENTRAL UNIVERSITY OF TECHNOLOGY, FREE STATE, FACULTY OF MANAGEMENT SCIENCES



To Whom it May Concern

### Memorandum

**From:** Prof T van Niekerk

**Supervisor and Head of Department: Department of Government Management**

**Date:** 21 October 2020

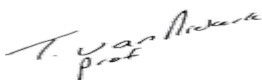
**Subject:** CONFIRMATION THAT MR LM MTSAMAYI STUDENT NUMBER 220049614 IS A MASTER STUDENT: MASTER OF PUBLIC MANAGEMENT, DEPARTMENT OF GOVERNMENT MANAGEMENT, CENTRAL UNIVERSITY OF TECHNOLOGY, FREE STATE

Dear Sir/Madam

This letter serves as a confirmation that Mr LM Mtsamayi, student number 220049614 is a registered master student, Master of Public Management, Department of Government Management, Central University of Technology, Free State.

The title of the master study is: Assessing the perceived impact of the influx of illegal foreigners on selected socio- economic conditions in Senqu Local Municipality in the Eastern Cape Province

Yours sincerely



Prof Tryna van Niekerk

HOD: Department of Government Management

Central University of Technology, Free State (CUT)

## APPENDIX B: SEMI-STRUCTURED INTERVIEW QUESTIONNAIRE

Annexure A: Interview schedule in the form of semi-structured questionnaire

Respondent number

Purpose

I, Mr Lucky Mzuvumile Mtsamayi, am conducting an academic research study in fulfilment for the Master's Degree of Public Management at the Central University of Technology, Free State (CUT).

The purpose of this research is to assess the perceived impact of the influx of illegal foreigners on the socio-economic conditions in Senqu Local Municipality in the Eastern Cape Province.

Your contribution to this semi-structured questionnaire will remain private and all information will be considered confidential and that no personal information will be published. Your identity will also remain anonymous and no information that can identify you will be on the semi-structured questionnaire.

### Instructions

- Your responses should be as accurate as possible regarding the current situation in your municipality
- Please be honest with your answers
- Please use X mark where applicable and
- Please use a black ink pen

Thank you for your participation. Section A

**1. BIOGRAPHICAL INFORMATION**

1.1 What is your ethnic group?

1	Black	2	Asian	3	Coloured	4	White	
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1.2 What is your gender?

1	Male	2	Female	
---	------	---	--------	--

1.3 Do you have any disability?

1	Yes	2	No	
---	-----	---	----	--

1.4 What is your home language?

1	Xhosa	2	Sotho	3	Setswana	4	IsiZulu	
5	English	6	Afrikaans	7	Other			

1.5 What is your age? \_\_\_\_\_ years

1.6 What is your current occupation?

1	Manager	
2	Supervisor	
3	Employee	
4	Traditional leader	
5	Resident	

1.7 What is your highest level of education completed (indicate only one of the following)?

1.7.1 Basic Education

1	Primary	
2	Secondary	

1.7.2 Higher Education

(College / University / University of Technology)

3	Certificate
4	Diploma
5	Degree
6	Honours or equivalent

1.7.3 Postgraduate Qualification

7	Masters / MBA
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1.8 State the name of the Department that you are currently employed by / Traditional Council you belonged to / Location you

1	Office Manager from Department of Social Development in Sterkspruit office	
2	Department of Social Development in Sterkspruit office	
3	Department of Social Development in Lady Grey office	
4	Department of Social Development in Barkly East office	
5	Justice and Constitutional Development in Sterkspruit regional office	
6	Justice and Constitutional Development in Sterkspruit magistrate office	
7	Justice and Constitutional Development in Barkly East office	
8	RSA Police Service in Palmietfontein Police Station in Sterkspruit	
9	RSA Police Service in Lady Grey Police Station	
10	RSA Police Service in Phumalanga Police Station in Sterkspruit	
11	RSA Police Service in Sterkspruit Police Station	
12	Empilisweni Hospital manager from Sterkspruit	
13	Umlamli Hospital manager from Sterkskpruit	
14	Lady Grey Hospital manager from Lady Grey	
15	Cloete Joubert Hospital manager from Barkly East	
16	Traditional leader from Basotho traditional council in Sterkspruit	
17	Traditional leader from Batlokoa traditional council in Sterkspruit	
18	Traditional leader from Amahlubi traditional council in Sterkspruit	
20	Community member from Makhetheng Location in Sterkspruit	
21	Community member from Qhoboshane Location in Sterkspruit	
22	Community member from Makhumsha Location in Sterkspruit	
23	Community member from Bhebheza Location in Sterkspruit	
24	South Africa Defence Force in border post at Tellebridge, Sterkspruit	
25	Department of Home Affairs in Sterkspruit office	
26	Department from Home Affairs in Tellebridge Port of entry, Sterkspruit	

Section B

This section is comprised of questions that seek to collect information about the impact of influx of illegal foreigners on selected socio- economic conditions in Senqu Local Municipality in the Eastern Cape Province.

Attitude-Scale Questionnaire

Circle or mark a cross on the option you are choosing from the list of possible answers below.

Note: Very Frequently = 6, Frequently = 5, Occasionally = 4, Rarely = 3, Very Rarely = 2, Never =1

2. IMPACT OF ILLEGAL FOREIGNERS ON SOCIAL ENVIRONMENT

	Very Frequently	Frequently	Occasionally	Rarely	Very Rarely	Never	For office use only
2.1 Some of the foreign nationals cross to RSA with their families and belongings without using the border gates.	<input type="text" value="6"/>	<input type="text" value="5"/>	<input type="text" value="4"/>	<input type="text" value="3"/>	<input type="text" value="2"/>	<input type="text" value="1"/>	<input type="checkbox"/>
2.2 Some of the foreign nationals engage in illegal activities when they reside in RSA.	<input type="text" value="6"/>	<input type="text" value="5"/>	<input type="text" value="4"/>	<input type="text" value="3"/>	<input type="text" value="2"/>	<input type="text" value="1"/>	<input type="checkbox"/>
2.3 Some of the foreign nationals illegally access the social grants in RSA.	<input type="text" value="6"/>	<input type="text" value="5"/>	<input type="text" value="4"/>	<input type="text" value="3"/>	<input type="text" value="2"/>	<input type="text" value="1"/>	<input type="checkbox"/>
2.4 Some of the foreign nationals acquire the RSA identification documents fraudulently.	<input type="text" value="6"/>	<input type="text" value="5"/>	<input type="text" value="4"/>	<input type="text" value="3"/>	<input type="text" value="2"/>	<input type="text" value="1"/>	<input type="checkbox"/>
2.5 Some of the foreign nationals marry S.A women to acquire S.A citizenship.	<input type="text" value="6"/>	<input type="text" value="5"/>	<input type="text" value="4"/>	<input type="text" value="3"/>	<input type="text" value="2"/>	<input type="text" value="1"/>	<input type="checkbox"/>
2. Some of the foreign nationals participate in the local activities where they reside with South Africans.	<input type="text" value="6"/>	<input type="text" value="5"/>	<input type="text" value="4"/>	<input type="text" value="3"/>	<input type="text" value="2"/>	<input type="text" value="1"/>	<input type="checkbox"/>
2.7 Some of the illegal foreign nationals' children access the education in RSA without proper documents.	<input type="text" value="6"/>	<input type="text" value="5"/>	<input type="text" value="4"/>	<input type="text" value="3"/>	<input type="text" value="2"/>	<input type="text" value="1"/>	<input type="checkbox"/>
							<input type="checkbox"/>

2.8 Some foreign nationals illegally cross to  
RSA to access medical attention.

6	5	4	3	2	1
---	---	---	---	---	---

2.9 In your opinion, does a language barrier exist between the illegal foreign nationals and the S.A health facilities?

Yes	
No	

2.9.1 If YES in question 2.9, how do you think it may be resolved?

.....

.....

2.10 In your opinion, what type of effect does the control of the influx of foreign nationals have in the Senqu Municipality of the Eastern Cape?

Positive effect	
No effect	
Negative effect	

2.11 Please elaborate on your answer above:

.....

.....

Section C

3. IMPACT OF ILLEGAL FOREIGNERS ON ECONOMIC ENVIRONMENT

Very Frequently  
Frequently  
Occasionally  
Rarely  
Very Rarely  
Never

3.1 Some of the illegal foreign nationals access  
employment in RSA without proper

6	5	4	3	2	1
---	---	---	---	---	---

documents.						
3.2 Some of the illegal foreign nationals are underpaid by their employers in RSA.	6	5	4	3	2	1
3.3 Some of the foreign nationals are involved in SMMEs in RSA.	6	5	4	3	2	1
3.4 Some of the illegal foreign nationals sell illegal products at their business in RSA.	6	5	4	3	2	1
3.5 Foreign nationals bank their monies in RSA.	6	5	4	3	2	1
3.6 Foreign nationals pay tax in RSA.	6	5	4	3	2	1
3.7 Foreign nationals create jobs for South Africans.	6	5	4	3	2	1
3.8 Foreign nationals pays the South Africans according to the Basic Conditions of Employment Act in their business.	6	5	4	3	2	1
3.9 South Africans working according to Basic Conditions of Employment Act in foreign nationals' businesses.	6	5	4	3	2	1
3.10 Local foreign nationals business places comply with Health and Safety regulations.	6	5	4	3	2	1

#### Section D

Circle or mark a cross on the option you are choosing from the list of possible answers below.

Note: Very true = 1, True = 2, Not true = 3, Not sure = 4

#### 4. BORDERS AND INLAND OVERSIGHT AND ACCOUNTABILITY ON ILEGAL IMMIGRANTS

##### Borders management and accountability

4.1 The South Africans Police Service (SAPS) is discharging its mandate properly in managing the borders patrol in RSA as to prevent the illegal crossing of foreign nationals.

1	Very true	2	True	3	Not true	4	Not sure
---	-----------	---	------	---	----------	---	----------

4.2 The Department of Home Affairs (DHA) is discharging its mandate properly in managing the borders patrol in RSA as to prevent the illegal crossing of foreign nationals.

1	Very true	2	True	3	Not true	4	Not sure
---	-----------	---	------	---	----------	---	----------

4.3 The South African Defence Force (SANDF) is discharging its mandate properly in managing the borders patrol in RSA as to prevent the illegal crossing of foreign nationals.

1	Very true	2	True	3	Not true	4	Not sure
---	-----------	---	------	---	----------	---	----------

4.4 The South African Revenue Services (SARS) is discharging its mandate properly in managing the borders patrol in RSA as to prevent the illegal crossing of foreign nationals.

1	Very true	2	True	3	Not true	4	Not sure
---	-----------	---	------	---	----------	---	----------

4.5 The law enforcement agencies treat the foreign nationals professionally in the Port of entry during the admission and departure.

1	Very true	2	True	3	Not true	4	Not sure
---	-----------	---	------	---	----------	---	----------

4.6 The illegal foreign nationals treat the law enforcement agencies professionally in the Port of entry during the admission and departure.

1	Very true	2	True	3	Not true	4	Not sure
---	-----------	---	------	---	----------	---	----------

**Inland oversight and accountability**

4.7 The Immigration officers constantly enter workplaces and inspect employment records and enter for inspection to any place open to the public as mandated by Immigration Act or Department of Labour.

1	Very true	2	True	3	Not true	4	Not sure
---	-----------	---	------	---	----------	---	----------

4.8 The Immigration officers ensures that the deportation of the illegal foreign national is confirmed by warrant of a Court within 48 hours and informed upon arrest the foreigner is informed the rights in a language that he or she understands.

1	Very true	2	True	3	Not true	4	Not sure
---	-----------	---	------	---	----------	---	----------

4.9 The Immigration officers ensures that the illegal foreigner is held in detention for no longer that 30 days and ensures that the court may extend such detention for an adequate period not exceeding 90 calendar days based on reasonable grounds and the detention is in compliance with minimum prescribed standards protecting the foreigner’s dignity and relevant human rights.

1	Very true	2	True	3	Not true	4	Not sure
---	-----------	---	------	---	----------	---	----------

4.10 The law enforcement agencies always comply with detaining the illegal foreign nationals in designated holding facilities.

1	Very true	2	True	3	Not true	4	Not sure
---	-----------	---	------	---	----------	---	----------

4.11 The illegal foreign nationals make use of the temporary residence permit for their admission to enter and sojourn in the RSA as to become protected from being prohibited or undesirable persons in the country.

1	Very true	2	True	3	Not true	4	Not sure
---	-----------	---	------	---	----------	---	----------

4.12 The illegal foreign nationals make use of the permanent residence permit for their admission to enter and sojourn in the republic as to become protected from being prohibited or undesirable persons in the country.

1	Very true	2	True	3	Not true	4	Not sure
---	-----------	---	------	---	----------	---	----------

4.13 In your opinion, does the standard of the designated holding facilities for illegal foreign nationals meet the required standard in RSA?

Yes	
No	
Don't know	

4.14 Please elaborate on your answer above:

.....  
 .....

**5. COMMENTS**

Which one of the following options would best summarises your opinion of the survey?

A	1	The survey was relevant	
	2	The questionnaire addresses current issues	
P	3	The questionnaire is too long	
D	4	The survey is the waste of time	
is	5	The survey is outdated	

economic conditions including provision of basic service delivery in Senqu Local Municipal area. Your contribution to this semi-structured interview will remain anonymous and no personal information will be published.

## Section A

### 1. BIOGRAPHICAL INFORMATION

1.1 What is your ethnic group?

1	Black	2	Asian	3	Coloured	4	White	
---	-------	---	-------	---	----------	---	-------	--

1.2 What is your gender?

1	Male	2	Female	
---	------	---	--------	--

1.3 What is your age? \_\_\_\_\_ years

1.4 What is your current occupation?

1	The Municipal Manager	
2	The CFO	
3	The chairperson of the Municipal Standing Accounts Committee	
4	The IDP/LED Manager	
5	The ward councillor	No:

1.5 How many years of service in your current position? \_\_\_\_\_ years

1.6 What is your highest level of education completed (indicate only one of the following)?

1.6.1 Basic Education

1	Primary	
---	---------	--

1.6.2 Higher Education

(College / University / University of Technology)

2	Secondary
3	Certificate
4	Diploma
5	Degree

1.6.3 Postgraduate Qualification

6	Honours or equivalent
8	Doctorate

## Section B

This section is comprised of open- ended questions that seek to elicit information from members of Senqu Local Municipality concerning the perceived impact of undocumented migrants (illegal foreign nationals) on the provision of service delivery to local communities.

1. Does the IDP of Senqu Local Municipality make provision for any reliable estimates of how many undocumented migrants (illegal foreign nationals) lives in the area and surrounding towns?  
.....  
.....  
.....
2. Does the Municipal Budget of Senqu Local Municipality make provision the additional cost of delivering basic services for the illegal foreign nationals living in informal settlements in the area and surrounding towns?  
.....  
.....  
.....
3. In your opinion what do you think are the impacts of illegal foreign nationals (undocumented migrants) on Senqu Local Municipality in terms of provision of service delivery to local communities?  
.....  
.....  
.....
4. In your opinion do the continued influx of illegal foreign nationals in Senqu Local municipality area and surrounding towns have any negative impact on the supply of electricity to local communities? If yes explain why you are saying yes, if no, explain why you are saying no.  
.....  
.....  
.....
5. In your opinion do the continued influx of illegal foreign nationals in Senqu Local municipality area and surrounding towns have any negative impact on the supply of water to local communities? If yes explain why you are saying yes, if no, explain why you are saying no.  
.....  
.....  
.....
6. In your opinion do the continued influx of illegal foreign nationals in Senqu Local municipality area and surrounding towns have any negative impact on the supply of sanitation services and waste management services to local communities? If yes explain why you are saying yes, if no, why you are saying no.  
.....  
.....  
.....
7. In your opinion do the continued influx of illegal foreign nationals in Senqu Local Municipality area and surrounding towns have any negative impact on employment and job creation opportunities? If yes explain why you are saying yes, if no, explain why you are saying no.  
.....  
.....

.....  
.....

8. In your opinion do the continued influx of illegal foreign nationals in Senqu Local municipality area and surrounding towns have any positive impact employment and job creation opportunities for local communities? If yes explain why you are saying yes, if no, explain why you are saying no in Senqu Local municipality area and surrounding towns.

.....  
.....  
.....

9. Are you aware of any illegal foreign nationals who obtained an RDP house in a fraudulent way in Senqu Local municipality area or surrounding towns? If yes explain why you are saying yes.

.....  
.....

10. Are you aware of any other negative impact of the continued influx of illegal foreign nationals on the service delivery responsibilities of Senqu Local Municipality? If yes explain why you are saying yes, if no, explain why you are saying no.

.....  
.....  
.....

11. Are you aware of any positive impact of the continued influx of illegal foreign nationals (undocumented foreign nationals) in the region? If yes explain why you are saying yes, if no, why you are saying no.

.....  
.....  
.....

12. Are you aware of whether any illegal foreign nationals participate in local activities, including ward committee meetings, where they reside in Senqu Local Municipality area? If yes explain why you are saying yes, if no, explain why you are saying no.

.....  
.....  
.....

**THANK YOU FOR YOUR PARTICIPATION**

## APPENDIX D: PHOTOGRAPHS OF ILLEGAL CROSSING, THEIR INTERCONNECTED SOCIAL RELATONS AND STOCK THEFT AT TELE BRIDGE, SENQU LOCAL MUNICIPALITY



**Photo 1 : Closure Of port of entry Telle Bridge due to Covid 19 Lockdown levels (Date of the photograph is Sunday 2020/10 /25).**

Photo 1 shows the closure of Telle Bridge port of entry in Senqu Local Municipality due to the outbreak of COVID 19 in 2020/03/26 whereby its closure is believed to have created high illegal crossings from South Africa to Lesotho and vice versa along the entire Telle River borderline.



**Photo 2: Illegal crossing of Telle River in Senqu Local Municipality area (Date of the photograph is Sunday 2020/10 /25).**



**Photo 3: Taxis waiting for illegal foreign nationals after they illegally crossed the Telle River (Date of the photograph is Saturday 2020/11 /14).**

Photo 3 illustrates an illegal taxi rank waiting for illegal foreign nationals for their inland transportation after they have illegally crossed the Telle River to South Africa.



**Photo 4: Illegal crossing and the interconnected social relations (Date of the photograph is Sunday 2020/10 /25).**

Photo 4 shows South African children swimming together with Lesotho children in the Telle River on a daily-basis, during summertime. This area is still about 3 kilometres away from Telle Bridge port of entry.



**Photo 5: Illegal crossing and the interconnected social relations (Date of the photograph is Sunday 2020/10 /25).**

Photo 5 above illustrates the easy crossing of the Telle borderline when the Telle River has very little or no water. Makhumsha village is about 65 to 75 km's away from Sterkspruit town and about 30 kilometers to border gates. When the river has no water at all it allows South Africans and people from Lesotho to socialise through playing soccer tournaments, even during the lockdown period.



**Photo 6: Stock theft (Date of the photograph is Sunday 2020/10 /25).**



**Photo 7: Stock theft (Date of the photograph is Saturday 2020/11 /14).**

Photo 6 and 7 illustrate the easy access to stock during the dry times of the Telle River to and from Lesotho. Photo 7 shows when the Telle River is full of water, the livestock such as cows are forced to swim the river due to being stolen.