SOUTHERN AFRICA
20 Years Post-Apartheid

Schwerpunktredaktion: Joachim Becker, Koen Smet

Inhaltsverzeichnis

Sally Peberdy

From the Past to the Present: Regulating Migration and Immigration in Post-Apartheid South Africa

"The aim of the Department of Home Affairs is to protect and regulate the interests of the inhabitants of the Republic of South Africa, in respect of their individual status, identity and specific rights and powers."

(DHA 2007a: 7)

Immigration policy, legislation and patterns[1] provide a lens through which changes in the way the state constructs national identity can be seen (Peberdy 2009, 2001; Cohen 1994; Anthias/Yuval-Davies 1993; Gilroy 1987). Immigration policy influences the shape of new immigration legislation, but can also be used to interpret legislation in different ways to suit the needs of the state (Peberdy 2009). Changes in immigration policy can be effected through the use of regulations and other means (e.g., implementation) without changes to the legislation itself. Patterns of immigration follow from the ways that immigration policy and legislation are constructed and implemented. Immigration policy and legislation in the South African context encompass the entry of immigrants (permanent residents), migrants (temporary residents) and contract workers. The entry of immigrants, and the selection of immigrants, is of most concern to nation states as they have most potential to become new citizens of the nation, and if not citizens, permanent residents. Thus, they can be seen to have the potential to re-shape the nation and its identity (Peberdy 2009; Cohen 1994). The filters and gates of the immigrant selection process are usually designed to allow entry to those seen by the state to 'fit' the nation (Peberdy 2009). Migrants and contract workers, because of their temporary status, are usually of less concern but policies relating to their entry still reflect the anxieties of the state. Policies relating to the entry of refugees and asylum

seekers, owing to the circumstances underpinning their movement, may be less related to how the state constructs its national identity, but may still reflect not only how the state sees itself in relation to other states, but its national and international human rights obligations. Thus, changes in immigration policy, legislation and patterns of immigration may reflect the way the state constructs national identity at any one time, as they show whom the state wants to allow in as new members, whether permanent or temporary, of the nation, and whom they think should be excluded.

Since the formation of the Union of South Africa in 1910, every time there has been a significant change in the form of the South African state there has been a concomitant change in the way the state has constructed South African national identity, which has then been accompanied by changes in the immigration regime and patterns of migration (Peberdy 2009, 1999). These changes extend from the formation of the dominion state of the Union in 1910, through its consolidation in the 1920s and 1930s and the subsequent establishment of the apartheid state in 1948, to the formation of the Republic in 1961 and finally the transition to democracy in 1994. This paper begins by providing an overview of changes in migration and immigration policies and patterns in South Africa since the formation of the Union in 1910, placing them in historical context. It then examines post-apartheid changes in immigration legislation, practices and migration patterns. The paper then briefly explores the rise of xenophobia since 1994. In conclusion, changes in the immigration regime, patterns of migration and the rise of xenophobia are explored in the context of the post-1994 nation-building project of the South African post-apartheid state.

1. Contextualising contemporary migration patterns

The advent of democracy in South Africa in 1994 came just over 80 years after the introduction in 1913 of the first immigration legislation by the government of the newly formed Union of South Africa. The Immigrants Regulation Act of 1913 (Act No. 13) was essentially an exclusionary act whose intention was to allow only white people to enter the country as migrants or immigrants (Peberdy 2009, 1999). It established that (until 1994) South Africa would be a "White man's land" (Smuts 1910 in Kruger

1960: 10) where only white people would be considered as new members of the nation. However, through bi-lateral agreements, it did allow the mining industry and commercial agriculture preferential access to black African unskilled and semi-skilled contract labour from neighbouring states and Malawi (Peberdy 2009, 1998; Peberdy/Crush 2007).

The exclusionary and racist spirit of the Immigrants Regulation Act of 1913 was consolidated with its amendments in the 1972 Admissions of Persons into the Republic Act. The 1913 Act and subsequently the 1972 Act worked in conjunction with the Aliens Act of 1937. The 1937 Act had been introduced to exclude Jewish immigrants (Peberdy 2009, 1999)[2]. Although the racially discriminatory use of clauses of immigration legislation ostensibly fell away in 1986, the legislation remained exclusionary in intent and largely racially exclusionary in practice. The 1972 and 1937 Acts governed immigration to South Africa until the introduction of the Aliens Control Act of 1991. The 1991 Aliens Act, which has been called one of the 'dying Acts of apartheid' (Peberdy/Crush 1998), combined all existing immigration legislation.

How do the post-apartheid migration legislative regime and patterns sit against those that came before them? Concern about post-1994 migration and immigration patterns and the asylum regime has focused on people arriving in South Africa from the rest of the continent and, to a lesser extent, from South and East Asia (Peberdy 2009; Segatti/Landau 2011). While the arrival of a substantial number of migrants and refugees from East, Central, West and North Africa is a post-1994 phenomenon, people have been migrating to South Africa from neighbouring states and other SADC countries for over a century (Peberdy 2009, 1998; Jeeves/Crush 1997; Crush et al. 1991). Some have entered legally as contract workers through bi-lateral agreements, others irregularly. What is often forgotten is that until 1961 nationals of Botswana, Lesotho, Swaziland and Namibia could enter South Africa without limitations and were treated as if they were nationals of South Africa (Peberdy 2009, 1998). Obviously though, this meant black nationals of these countries were subject to the same restrictions as black South Africans on where they could live and how they could move around the country once they had entered, and, like black South Africans, they were not considered part of the South African (white) nation. There were also agreements between the colonial Rhodesian and Portu-

guese East African governments and the South African state, agreements which allowed what was called 'clandestine' migration from what are now Zimbabwe and Mozambique if this was in the interests of both countries (Peberdy 2009, 1998). This has meant that a relatively significant number of black African non-nationals were counted in successive censuses, a fact which in 1962 prompted a Commission of Enquiry into 'Foreign Bantu' (Froneman 1962; Table 1).

1911	1921	1936	1951	1960	1962*	1970
229,207	279,650	333,777	605,992	586,043	c.836,000	516,043
1980	**1985**	**1991**	**1996****	**2001**	**2011**	
677,160	315,482	920,913	549,720	577,451	1,569,409	

Table 1: Black population born outside South Africa enumerated in censuses, 1911 to 2011 and the Froneman Commission Report
Source: Peberdy 2009: 145; Statistics South Africa 2003: 29, 2012a: 41; Froneman 1962
* Froneman 1962
** Includes whites born in "SADC countries" and the "Rest of Africa" as well as the rest of the world.

Although white immigrants were generally welcomed, white immigration was contested at times. So, in the 1920s and 1930s, attempts were made to exclude Jewish immigrants through the Quota and Aliens Acts, as they did not fit the way the South African state constructed white national identity (Peberdy 2009). According to the legal advisor to the Department of External Affairs, "[t]he Jews are unassimilable [...] The importance that will be attached to this consideration in the Union may depend on fundamentally divergent views *regarding the future racial, social and economic structure of White South Africa*" (Broeksma 1936 cited in Peberdy 2009: 69, emphasis orig.). In the years immediately following World War II, bolstered by fears of numerical imbalances between the black and white populations and the demands of a rapidly growing economy, the Jan Smuts government welcomed all white immigrants, the number of which grew rapidly until 1949 (Peberdy 2009). The formation of the apartheid state under the National Party government saw a dramatic change in policy.

Anxious to shift the balance of power from English to Afrikaans speaking white South Africans in order to consolidate power, and reflecting concern over the status of South Africa as a Commonwealth nation, immigration was curtailed (ibid.). Immigrants from Germany and the Netherlands were welcomed as they were seen as being part of the *'stamlande'*, or countries of origin of Afrikaaners. British immigrants were not. From 1948 to 1960 the number of immigrants fell massively, from over 36,700 in 1948 to just over 9,805 in 1960 (ibid.).

During the 1950s capital put pressure on the state to increase the number of white immigrants as a measure to sustain economic growth in the context of the labour colour bar. At the same time, growing resistance to apartheid and the Sharpeville Massacre, combined with the de-colonisation of other African states, was of concern. But it was not until after the yes vote in the 1960 referendum to form a Republic and leave the Commonwealth that the National Party apartheid state felt sufficiently confident to introduce an assisted immigration scheme and promote white immigration (Peberdy 2009). According to H.F. Verwoerd in 1959, it would not be until "there is one state to which everyone owes allegiance [...] one nation with one fatherland and one loyalty, only then will the nation and the country be in a position to receive [white] immigrants on a large scale, and absorb them" (Peberdy 2009: 121). The formation of the Republic therefore shifted national identity. Again, however, not all white immigrants were welcome. The apartheid state remained and saw itself as Protestant, Calvinist and anti-communist. As a result the mid-1960s saw the introduction of new religious requirements for entry and exclusion. People from Madeira, Portugal, Italy and Greece were using the generous assisted immigration scheme to enter. As Catholics and Orthodox Greeks they were deemed unwelcome, along with members of some other religions as well as atheists and agnostics (although German and Dutch Catholics were still welcome) (ibid.). The anti-communist state, anxious about persistent unrest and opposition, also introduced invasive systems to prevent the entry of communists, trade unionists and progressive religious leaders. Whites leaving de-colonising African states were welcomed and comprised a significant proportion of white immigrants to South Africa from the 1960s onwards (ibid.).

Owing to pre-Union migration and the use of indentured labour, South Africa had a substantial Indian population at the formation of the

Union in 1910. It was sufficiently large that in 1911 Indians outnumbered whites in Natal (Peberdy 2009). The population of Chinese immigrants was much smaller but was added to in the 1980s and early 1990s as immigrants arrived from Taiwan. They were allowed entry owing to business ties between Taiwan and South Africa (Peberdy 2009; Park 2005). Taiwan was willing to sell arms to apartheid South Africa and establish businesses and factories on the edge of homeland areas (Peberdy 2009). Since 1994 immigration from Taiwan has fallen and immigration from China has risen, reflecting a change in foreign policy favouring China over Taiwan. Thus, South Africa has a long history of both white and black migration and immigration from what are now other SADC countries, and an Indian and Chinese population whose roots in the country lie in the late 1800s and early 1900s. It seems this history has been forgotten. What is new is the entry of people from other parts of Africa in numbers not seen before, as well as the entry of new migrants from the Indian sub-continent and China.

2. Regulating migration from the past to the present

A century after the introduction of South Africa's first immigration legislation and almost 20 years since the end of apartheid, what has really changed in the migration regime of South Africa? Reflecting the many dilemmas posed by immigration to the post-apartheid state, it continued to use the exclusionary 1991 Aliens Control Act until 2002, when the first post-apartheid immigration legislation was introduced in the form of the Immigration Act (Act No. 13 of 2002) (Peberdy 2009, 1999; Segatti/Landau 2011). To meet Constitutional imperatives it had to be amended in 2004 (Act No. 19), and again in 2007 (Act No. 3) (Peberdy 2009; Segatti/Landau 2011). A third Immigration Amendment Act was introduced in 2011 (Act No. 13). Bi-lateral arrangements, most of which date back to the 1960s, pertaining to the entry of contract workers from neighbouring states to the mines and commercial agriculture remain in place under current legislation (Peberdy/Crush 2007; Crush 1999, 2000). This means that the mining and agricultural sectors continue to have preferential access to unskilled and semi-skilled labour from neighbouring states. Entry through restrictive

bi-lateral agreements which only allow entry to workers for specific periods of time for specific employers are essentially the only way for unskilled and semi-skilled workers to access South Africa. Refugee legislation was introduced for the first time in South Africa's history in 1998, although the Act did not come into force until 2000 (Segatti/Landau 2011; Peberdy 2009). It was subsequently amended in 2008 (Act No. 33) and 2011 (Act No. 12). The Refugee Act conforms to the United Nations and African Union definitions of a refugee. No targeted support is provided by the South African state to refugees and asylum seekers; however, they do have the right to work and study. So what effect have the changes to the legislative regime since 1994 had on the shape of migration to South Africa and do they reflect a reconstruction of South African national identity?

On the positive side, racist legislation, regulations and restrictions have been removed. The introduction of refugee legislation has allowed people to claim asylum in South Africa for the first time in the country's history. The Constitution of South Africa ostensibly protects the rights of citizen and non-citizen with the exception of economic rights, which are reserved for citizens only. Non-citizens (as in most countries) do not have the right to vote, but if documented hold all other political rights such as the right to join trade unions.[3] Notwithstanding constitutional protection, actions of the state and others have at times challenged the human rights of migrants, refugees and asylum seekers (Amit 2011; Human Rights Watch 1998, 2005; Crush 1998). The racist and exclusionary policies of the past, which prevented black Africans from Southern African Development Community (SADC) countries from settling in South Africa were recognised in three 'amnesties' which allowed those who qualified to apply for permanent residence (Crush/Williams 1999; Johnston 2001). The first of 1995, which was not strictly an amnesty, applied to contract mineworkers who had been working on the mines for ten years. The second in 1996 allowed SADC nationals who had been living in South Africa as undocumented migrants for more than five years and who met various conditions to apply for permanent residence. The third, which ran from 1999 to 2000, was for Mozambican nationals who had fled to South Africa during the Mozambican war, many of whom had not applied in the SADC amnesty for permanent residence (Johnston 2001). Under the three 'amnesties', 51,504 mineworkers, 124,073 SADC nationals, and 82,969 Mozambicans

were given permanent residence (Crush/Williams 1999: 6-7; Johnston 2001: 4). The removal of racist restrictions on where people can live and do business (which had started to fall away from 1986) and the opening up of South Africa has provided opportunities for people from the rest of the continent and all over the world to visit, and in some cases to study, do business or work.

There has been some recognition of South Africa's membership of the SADC and obligations to the SADC in legislation and the signing of protocols (Oucho/Crush 2001; Williams 2006; Peberdy/Crush 2007). A year after South Africa joined the organisation in 1994, the SADC produced a draft Protocol on the Free Movement of Persons. This was vigorously opposed by the post-apartheid South African state, along with Namibia and Botswana. South Africa was instrumental in reconstructing the draft free movement protocol into the SADC Facilitation of Movement of Persons Protocol in1997. The draft Protocol went through several versions and was signed by six countries, including South Africa, in 2005. As of 2013 the ratification by the necessary nine countries still had not happened. The main clause of the Facilitation of Movement of Persons Protocol allows nationals of SADC countries to spend 90 days a year visa free in another SADC country. South Africa was among the first signatories to the Protocol and has put in place the 90 day concession for Zimbabweans. However, it seems the aim of the Protocol is to facilitate the movement of formal sector business people. Other entrepreneurs involved in small and medium scale cross-border trade do not benefit as much, as the 90 day rule does not meet their needs, since many spend longer travelling into and out of South Africa during the course of a year (Peberdy 2009; Peberdy/Rogerson 2003). Through regulations, students from SADC countries are charged a lower rate for study permits as compared to other international students.

Notwithstanding these achievements, the immigration regime of South Africa remains rooted in the past in its exclusionary nature and has largely maintained a security-oriented approach to policing and practice (Segatti/Landau 2011; Peberdy 2009). However, since 1994 and the formation of a democratic non-racial South African state with an ostensible commitment to the human rights of all, there have been changes to immigration legislation, policy and its practice, including the introduction of refugee legislation, changes which are reflected in patterns of migration. Table 2 shows

the impact of changes in immigration policy, legislation and its practice since 1994 insofar as these are largely reflected in fluctuations in the number of permanent residence applications approved since 1994 (Table 2).

3. Changing patterns of migration

The imperatives of an economy in need of skilled labour, in part made worse by the emigration of skilled professionals, ranging from nurses and teachers to engineers and doctors, meant that the 2002 Immigration Act created options for those with skills to enter the country (Segatti/Landau 2011; Peberdy 2009). It introduced 'extraordinary skills' work and permanent residence permits as well as 'corporate' and quota permits (Tables 2 and 3). 'Corporate' permits allow South African and international organisations and businesses to enable the entry of professionals for work purposes for specified periods of time. Quota permits were withdrawn in the 2011 Amendment Act. As in most countries, the entry of those with large sums of money to invest in business is relatively easy. Thus, the legislation is ostensibly welcoming to those with skills and money. Table 1 shows the impact of the 2002 Act, and subsequent amending Acts, on the issue of permanent residence permits, which increased substantially after its introduction. Table 1 does not record the nearly 260,000 SADC nationals granted permanent residence in the three 'amnesties' of the 1990s.

Administrative inefficiency, which may or may not be just inefficiency, has meant that applying for work and permanent residence permits can be a long and time consuming process. Delays in the early 2010s were due to the centralisation of the processing of permit applications in Pretoria in May 2011, in an attempt to reduce corruption. However, the Department was understaffed and unable to cope. A special team of adjudicators was put in place in January 2012, which cleared a backlog of 46,000 applications for study and work permits by the end of August 2012 (Chohan 2012). However, work and study permits were still taking some time to process. The remedial actions of the Department of Home Affairs could have been in response to a court decision in November 2011 which found in favour of the appellants and where the judge found that the Department had "dealt

Year	Immigrants	Emigrants	Net gain/loss
1990	14 499	4 722	+ 9 777
1991	12 379	4 256	+ 8 123
1992	8 686	4 289	+ 4 397
1993	9 824	8 078	+ 1 746
1994	6 398	10 235	-3 837
1995*	5 064	8 725	-3661
1996**	5 407	9 078	-3671
1997	4 103	8 946	-4 843
1998	4 371	8 276	-3 905
1999	3 669	8 487	-4 818
2000***	3 053	10 262	-7 209

*Table 2: Number of immigrants and emigrants and net gain/loss, 1990–2011 ***
Source: Peberdy 2009; DHA 2009: 27, 2010: 71, 2011: 43; Statistics South Africa 2012b: 35

Year	New Work Permits	Renewals	Total
1990	7 657	30 915	38 571
1991	4 117	32 763	36 880
1992	5 581	33 318	38 899
1993	5 741	30 810	36 551
1994	8 714	29 352	38 066
1995	11 053	32 838	43 891
1996	19 498	33 206	52 704
1997	11 361	17 129	28 490
1998	10 828	11 207	22 035
1999	13 163	10 136	23 299

Table 3: Work permits issued: 1990–2000; 2004; 2006–2008; 2010–2011
Source: Crush/Williams 2010: 16; DHA 2006, 2007b, 2008, 2009, 2010

Year	Immigrants	Emigrants	Net gain/loss
2001	4 832	12 260	-7 428
2002	6 545	10 890	-4 345
2003	10 578	16 165	-5 587
2004	10 714	n/l	n/l
2005	17 771	n/l	n/l
2006	2 136	n/l	n/l
2007	9 235	n/l	n/l
2008	3 817	n/l	n/l
2009	4 083	n/l	n/l
2010	5 476	n/l	n/l
2011	10 011	n/l	n/l

* *Immigrants are defined as permanent resident applications approved. The number of emigrants is likely to be underestimated, as people do not have to declare they are emigrating when leaving the country permanently. The table does not include those awarded permanent residence through the three 'amnesties'.*

Year	New Work Permits	Renewals	Total
2000	6 643	9 191	15 834
2001-3	n/a	n/a	n/a
2004	4 185	n/a	n/a
2006	17 205	n/a	n/a
2007	19 601	n/a	n/a
2008	32 344	n/a	n/a
2009	n/a	n/a	n/a
2010	5 926	n/a	n/a
2011	132 577*	n/a	n/a

* *This figure was inflated by the Documentation of Zimbabweans Project, which regularised the stay of Zimbabweans.*

Year	South Africa	Botswana	Lesotho
1990	199 810	14 609	99 707
1991	182 226	14 028	93 897
1992	166 261	12 781	93 519
1993	149 148	11 904	89 940
1994	142 839	11 099	89 237
1995	122 562	10 961	87 935
1996	122 104	10 477	81 357
1997	108 163	9 385	76 361
1998	97 620	7 752	60 450
1999	99 387	6 413	52 188
2000	99 575	6 494	58 224
2001	99 560	4 763	49 483
2002	116 554	4 227	54 157
2003	113 545	4 204	54 479
2004	121 369	3 924	48 962
2005	133 178	3 264	46 049
2006	164 989	2 992	46 082

Table 4: Mineworkers on the South African Gold Mines, 1990–2006
Source: Crush/Williams 2010: 11

with the applications of the applicants' various clients in a manner which can only be described as 'administrative bungling'" (Eisenberg 2011). In 2013 there was still a backlog of 18,772 files of permanent resident applications (which could have contained applications from more than one person), suggesting that, given new applications, the backlog would take some time to reduce and indicates a lack of urgency or commitment to the process (Pandor 2013).

Unskilled and semi-skilled workers from the rest of the continent still struggle to enter South Africa legally. However, the legislation has maintained adherence to the bi-lateral agreements with neighbouring states, agreements which, although some have been amended, have been in place since the 1960s and 1970s. These allow contract workers to enter South

Mozambique	Swaziland	% Foreign	Total
44 590	17 757	47	376 473
47 105	17 393	49	354 649
50 651	16 273	51	339 485
50 311	16 153	53	317 456
56 197	15 892	55	315 264
55 140	15 304	58	291 902
55 741	14 371	58	284 050
55 879	12 960	59	262 748
51 913	10 336	57	228 071
46 537	9 307	54	213 832
57 034	9 360	57	230 687
45 900	7 841	52	207 547
51 355	8 698	50	234 991
53 829	7 970	51	234 027
48 918	7 598	47	230 771
46 975	6 993	43	236 459
46 707	7 124	38	267 894

Africa from Lesotho, Mozambique and Swaziland to work on the mines and commercial farms for the duration of their contract (Crush 1999, 2000). Due to changes in the mining regime, legislation and hiring practices, as well as declining employment, there has been a significant fall in the number of foreign workers on the gold mines since the mid-1990s (Table 4). Continued undocumented migration, mainly from neighbouring states and other SADC countries, reflects the difficulties that many have in negotiating the existing immigration regime. Undocumented or irregular migration takes up most of the debates on migration in South Africa, where particularly Africans from elsewhere on the continent are all too often assumed to be in the country without papers (Peberdy 2009). There is a consensus amongst many researchers in the field that the number of

irregular migrants in the country at any one time is likely to range between 1.5 and 2.5 million people (Polzer 2010).

South Africa has become a significant destination for asylum seekers and refugees since 1994, attracting people from refugee producing countries across the continent as well as further afield. In 2013, the UNHCR gave the number of refugees in South Africa as 57,899 and the number of asylum seekers as 219,368 (UNHCR 2013). Of the asylum seekers, 63,000 claims were awaiting adjudication and 156,000 cases were undecided on appeal (UNHCR 2013). The majority of recognised refugees were from Angola, Burundi, the Democratic Republic of the Congo (DRC), Rwanda and Somalia. The majority of asylum seekers were from Bangladesh, the DRC, Ethiopia, Somalia and Zimbabwe.

Despite ostensibly protective legislation, attempts have been made to reduce the number of people claiming asylum and obstacles have been put in the way of making applications (Amit 2011). In part, this may have been as a result of the use of the asylum system by largely unskilled and semi-skilled people unable to find any other way to get a permit to allow them to stay in South Africa and work. Refugee reception offices taking new applications for asylum were closed down in Johannesburg, Cape Town and Port Elizabeth in 2011 and 2012, although court applications initially overturned some of these decisions. In 2013 only three offices remained where new applications could be made, these being Durban, Musina and Pretoria. Economic and political crises and repression in Zimbabwe led, starting in the early 2000s, to an unprecedented outflow of migrants to South Africa. Some were political refugees claiming asylum, others were looking for economic opportunities but could only gain legal access to South Africa through the asylum system. To attempt to clear the backlog, a special programme was put in place in 2010-2011 for Zimbabweans to allow them to apply for work, study and permanent residence permits if they met certain conditions. Some 275,762 applications were received (Hammerstad 2011). Although beneficial to many Zimbabweans, the programme was more an attempt to clear backlogs in the asylum system than an act of consideration for the circumstances of many Zimbabweans in South Africa.

Notwithstanding the legal morass that people must wade through, since 1994, in order to enter South Africa, there has been a significant change in migration patterns and in the number of people passing through

South Africa's border posts and/or ports of entry. This change in migration patterns and numbers of people passing through the country's border posts appears to be more of a revolving door for people spending time in South Africa while doing business (informally or formally), visiting friends and relatives, working and studying than people entering the country permanently. This increase appears to have been accompanied by an increase in the number of people entering the country without documents.

Tables 2 and 3 show the number of permanent residence and work permits issued for selected years between 1990 and 2011. They show that there has not been a significant increase in the number of permanent and temporary residence applications approved as compared to pre-1994 figures. Table 2 indicates that since 1994, where data is available, there has been a net loss in immigrants. However, permanent and temporary residence applications approved through the 'amnesties' and the special programme for Zimbabweans have increased the numbers, but these programmes simply regularised the stay of people already in the country. Table 4 shows the substantial decline in the number and proportion of foreign mineworkers in the gold mines since the mid-1990s. Perhaps the most significant change, although not in terms of numbers, has been the increase in the number of asylum seekers and refugees, after South Africa became a signatory to the United Nations and African Union conventions on refugee status. This has increased the range of countries from which new residents of South Africa are drawn.

	African	Asian	Coloured	White
2001	1.6	3.0	0.4	9.3
2011	3.9	7.3	0.4	8.5

Table 5: Percentage of population group not born in South Africa*
Source: Statistics South Africa 2003: 23, 2012a: 41

* Note that those not born in South Africa could include people who were or who have become South African citizens. Population group categories are those used by Statistics South Africa.

Data from the 2001 and 2011 Censuses indicate that there was a noticeable increase in the foreign born population in the decade 2001 to 2011 (Table 5). In part this is likely to be a result of the outflow of migrants from Zimbabwe in the 2000s, but at the time of writing this cannot be confirmed. Census 2011 found that 4.4% of the population of South Africa was born outside the country, with the proportion rising to 9.5% in the most populous province, Gauteng (Statistics South Africa 2012a: 40). This represents an increase from 2.3 % and 5.4 % respectively in the 2001 Census (Statistics South Africa 2003: 22). Reflecting the changing face of migration in South Africa, the proportion of the black African and Asian population born outside the country more than doubled to 3.9% and 7.3% respectively between 2001 and 2011 (Statistics South Africa 2012a: 41, 2003: 23) (Table 5). At the same time, the proportion of the white population born outside the country fell by almost 1 %.

Perhaps where changes in the migration landscape of South Africa are most visible is in the significant increase in temporary migration, including visits (for tourism, family, shopping and trade) to South Africa, which is shown through data recording the number of times the border has been crossed and for which purposes. This to-and-fro traffic is dominated by SADC nationals and other Africans. This data demonstrates the vast increase in border crossings since 1994, and while the data do not show how many people are involved (the same person entering South Africa 10 times in a year is counted 10 times), it does show how the streets and shops of the country may look and sound very different than in the past. Furthermore, the opening of South Africa to refugees, migrants and immigrants from all over the world has meant that people have arrived from countries not previously included and in numbers not previously seen.

4. Xenophobia and post-apartheid South Africa

On 26 February 2013 a Mozambican mini-bus taxi driver, Mido Macia, was handcuffed to the back of a police van by policemen and dragged behind it. It seems that then after being put in the van, he later died of head and internal injuries in a police cell in Daveyton on the East Rand of Gauteng (Mail & Guardian, 28.2.2013). Was this just another case of

police brutality, or was his lack of South African nationality a contributing factor?[4] We may never know but it is certainly a question that should be asked following reactions of the state to the xenophobic attacks of 2008 and the strongly held xenophobic opinions of some South Africans. This incident occurred almost five years after the wave of xenophobic attacks of May 2008 and like the attacks of May 2008 is a reflection of the rise in xenophobia since 1994 which has been an unfortunate, unavoidable and constant feature of the migration landscape in South Africa since 1994.

The rise in xenophobic attacks on foreigners since 1994 in a democratic South Africa is confusing given the history of the country and the commitment of the post-apartheid government to human rights and diversity, and requires interrogation.[5] The increase in the number of migrants may provide some clue, but does not appear substantial enough to provide reasons for the extremity of some reactions to foreigners, particularly given the long history of migration to South Africa. The first attacks seem to have occurred after the advent of democracy at the end of 1994, with a rash of incidents in Alexandra (a formerly black township in Johannesburg) directed at black Africans from neighbouring states. Other than ethnic clashes in the mines between different groups of mineworkers (which appear to have had causes other than xenophobia), attacks on black African nationals by South African black citizens prior to 1994 have not been recorded (Peberdy 2009).

The xenophobic attacks of May 2008 left over 60 people dead and tens of thousands of people displaced from their homes. As many as a third of those killed were South African citizens. All of those who were killed were black Africans. It seems the majority of the South Africans killed and displaced spoke Shangaan, a language also spoken by some Mozambicans. The attacks were concentrated in various parts of Johannesburg and Cape Town, although there were other incidents in the Eastern Cape and Durban. During the course of the attacks, in some cases (at least in Alexandra) people went through communities demanding to see South African ID books, mirroring the actions of the apartheid state and the pass system, i.e., do you have a permit to be here? These were not the first xenophobic attacks on foreigners, nor have they been the last. The targets of most have been black Africans from elsewhere on the continent. Newspapers regularly report on attacks on foreigners whether these be individual cases or more

concerted attempts to remove foreigners from neighbourhoods. What lies behind these attitudes and who holds them?

Research has shown that, compared to citizens of other countries, South Africans harbour some of the most extreme opinions when it comes to foreigners (Landau et al. 2011; SAMP 2008; McDonald et al. 1998). A 2011 study of the quality of life in Gauteng by the Gauteng City-Region Observatory found that over a third of residents said that Gauteng should be for South Africans only and that all foreigners should leave (Peberdy 2012, 2013). Research indicates that race, class and gender do not play a significant role in determining people's opinions regarding foreigners in South Africa (Peberdy 2012, 2013; SAMP 2008; McDonald et al. 1998). However, research subsequent to the outbreak of violence in May 2008 does indicate that where people live, how long they have been living in cities, and their access to services and housing (or perceived access) may play a role; however, these relationships are complex (FMSP 2009; IOM 2009; Peberdy 2012; Peberdy/Jara 2011; Ngwane 2009; Amisi et al. 2011; Hassim et al. 2009). Research in Gauteng suggests that, contrary to what may be thought, people living in informal settlements and in sectors where cross border migrants work were least likely to hold the most hostile views towards migrants (Peberdy 2013).

A study of the role of civil society in responding to the outbreak of violence in May 2008 also provides some valuable insights (see a special issue of *Politikon* 2011 and www.atlanticphilanthropies.org). It was civil society, through faith based (Christian, Jewish and Muslim) and community organisations, that was the first to respond and provide assistance to displaced people. It also has to be said that it was only a small minority of South Africans who participated in the violence and that many others stood up to prevent further attacks and to protect foreigners in their communities. However, this study also revealed the extent of the distance between foreigners and South Africans in civil society (Peberdy/Jara 2011). Few civil society organisations have integrated South Africans and non-South Africans in their work. The trade union movement was slow to respond, and although some workshops were held with shop stewards, there was little evidence of a concerted response to xenophobia and the attacks (Hlatshwayo 2011). This is despite the fact that two of the largest unions in COSATU (the body bringing together most South African trade unions),

namely the National Union of Mineworkers and the National Union of Metalworkers of South Africa, have a relatively substantial non-South African membership.

Although the national government initially decried the attacks as xenophobic, within a week the attacks began to be discussed in terms of criminality rather than as attacks on people because of the nationality they held (Peberdy/Jara 2011; Friedman 2009). Notwithstanding the incident in Daveyton in 2013 and recorded incidences of police harassment, the police provided immediate protection to those forced from their homes in 2008 as people fled to police stations, where they were housed until alternative shelter could be found, initially mostly in community centres, churches and mosques. Although the state eventually stepped in through city governments, municipalities and provinces to provide shelter for those displaced in Gauteng and Cape Town, a number of issues arose in both places. At times displaced people made claims on the state, complained about conditions in the transit camps where they were being housed and questioned the veracity of the state when it said it would protect their children when they returned to school (Peberdy/Jara 2011; Robins 2009). Responses by the state and some civil society organisations to protests by displaced people (which took place mainly in Cape Town) and questions from them regarding living conditions in the camps and their futures suggested they should be grateful and not question or make any demands (Robins 2009).

5. Nation building, migration policy and xenophobia

So where does this leave us? How does immigration policy reflect the post-1994 nation building aspirations of South Africa? Can the post-apartheid nation building process provide clues to ongoing xenophobia? The apartheid and colonial states which, although at times welcoming to all white immigrants to build the (white) nation, were at other times extremely restrictive, as they chose to only allow in white immigrants who fitted their image of (white) South African national identity of the time. The post-apartheid state which, although it has introduced measures to redress past racist immigration policies, nevertheless relied on apartheid immigration legislation for nearly a decade and has maintained a largely exclusionary

immigration policy and introduced exclusionary legislation. This is a policy (like that of many other countries) which prioritises the entry of the skilled and wealthy, has maintained the privileges held by the mining and agricultural sectors in relation to access to unskilled and semi-skilled contract labour, and still excludes many potential African migrants and immigrants. The refugee and asylum seeking policy appears to be increasingly exclusionary, where measures such as the closing down of refugee reception centres can be construed as placing obstacles in the way of people claiming asylum, in order to discourage asylum seekers from seeking refuge in South Africa.

It is not possible to equate the immigration regimes of the apartheid and post-apartheid governments. However, it is worth exploring how the policies of the post-apartheid state may be influenced by the way the state has constructed South African national identity since 1994 and what factors underpin its anxieties about immigration. At this stage it is not possible to explain the seemingly head in the sand approach of the ANC and of the state to xenophobia since 1994. However, the process of building a national identity which has emphasized the rights (as well as obligations) of all citizens regardless of race and that for the first time all South Africans have a right to make claims on the state may be relevant to understanding the rise of xenophobia since 1994.

In 1994 the new ANC led government inherited a country where a significant proportion of the population lacked access to proper housing, water, electricity and sanitation and a high proportion of the population were illiterate or semi-literate. Education, health and other essential services were geared towards supporting the white population and needed upgrading. Inequality between black and white was high. In 1994 the Reconstruction and Development Programme (RDP) was introduced, which was essentially a social democratic approach to redistribution and development. It was replaced by the Growth Employment and Redistribution Strategy (GEAR) in 1996, which focused more on growth and black economic empowerment through accessing capital (Mushongera 2013). The economic and development strategies of the state have had some success. Successive censuses show that access to housing, water, electricity, education and health services have improved significantly. Despite these successes, in 2013 unemployment remained high, particularly amongst youth, income

inequality between black and white showed little change between the 2001 and 2011 censuses, and many people were still waiting for housing and other services (Statistics South Africa 2003, 2012a).

Pre-apartheid and apartheid patterns of migration reflect the different forms of the South African state, the political and economic imperatives of various governments, the inherent racism of the Union and Republican governments, as well as the way that the state constructed successive national identities (Peberdy 2009). How have the ways that the post-apartheid state constructed South African national identity influenced immigration policy and patterns of migration? The South African state, through the Bill of Rights of the Constitution, has established that the state sees its identity as one with a commitment to human rights. This can be seen in the introduction of refugee legislation and the protection of the basic human rights of non-nationals by the Constitution. The state no longer predicates South African national identity on the racial criteria of the 1910s, 1920s and 1930s; neither does it do so on the primordial ethnic and racial criteria of Afrikaner nationalism of the 1950s, nor on the white anti-communist Protestantism following the formation of the Republic in 1961.

Because the state has been trying to build a nation out of a multi-ethnic and multi-cultural society, sections of which were at war with each other prior to 1994, it cannot rely on a common culture, ethnicity or primordial identities to create its 'imagined community' (Anderson 1991). Instead, emphasis has been placed on forging a nation based on a shared but divided history, on citizenship and loyalty to the state and nation (Peberdy 2009). Thus, the focus is on history, citizenship, and the participation of all citizens, regardless of differences in the rights and obligations of citizenship (ibid.). Those who do not share this history or citizenship are questionable new members of the nation. The amnesties for SADC nationals of the 1990s appear to have wiped the historical slate clean for the South African state. The racist immigration policies of the past, which had disadvantaged SADC nationals, were rectified. The shared history of exclusion of SADC nationals could thus be put aside. The shift from the RDP project to GEAR has meant that there has been a focus, in economic and development policy, on a particular kind of economic growth which opens the borders to people with skills and money to invest. The maintenance of the privileged access of the mining and agricultural sectors to contract migrant labour reflects

current economic policies. However, this does not explain why Africans from elsewhere on the continent are the target of xenophobic violence or are most affected by changes in the immigration regime of the post-1994 democratic South African state. This latter question warrants a study of its own. Nevertheless, the competition for resources amongst a still economically stressed black South African working class, the continued demand for services, and perceptions that African migrants may challenge these, may all play a role. However, it is also true that migrants and immigrants are seen as outsiders, as people who do not belong, because they do not share South Africa's history or citizenship, and if they were to obtain the latter could be seen (whether realistically or not) as a threat to accessing the newly won rights of citizenship.

1 Unless otherwise stated in this paper immigration policy encompasses permanent migration (immigration), temporary and contract migration, as well as refugee policy.
2 The 1937 Aliens Act succeeded the 1930 Quota Act which was designed to exclude East European Jews. The 1937 Act enabled the exclusion of German Jews (Peberdy 2009).
3 Permanent residence allows a person to live permanently in the country. A permanent resident who meets the necessary conditions can then apply for citizenship. As part of the CODESA agreement to regulate transition to a democratic government, permanent residents were allowed to vote in the 1994 elections but not in subsequent elections where only citizens are allowed to vote.
4 In 2011–2012, 720 deaths in police custody were reported to the Independent Police Investigative Directorate of which 'one in five involved police criminality' (The Mercury, 27.3.2013).
5 For analyses of the 2008 violence see Amisi et al. 2011; Everatt 2011; FMSP 2009; IOM 2009; Peberdy/Jara 2009.

References

Amisi, Baruti/Bond, Patrick/Cele, Nokuthula/Ngwane, Trevor (2011): Xenophobia and Civil Society: Durban's Structured Social Divisions. In: Politikon 38 (1), 59-84.
Amit, Roni (2011): No refuge: Flawed status determination and the failures of South Africa's refugee system to provide protection. In: International Journal of Refugee Law 23 (3), 458-488.

Sally Peberdy

Anderson, Benedict (1991): Imagined Communities: Reflections on the Origin and Spread of Nationalism. London/New York: Verso.

Anthias, Floya/Yuval-Davis, Nira (1993): Racialized boundaries: race, nation, gender, colour, class and the anti-racist struggle. London: Routledge.

Chohan, Fatima – Deputy Minister of Home Affairs (2012): Department of Home Affairs Media Briefing, 24.8.2012. http://www.sanews.gov.za, 2.11.2013.

Cohen, Robin (1994): Frontiers of Identity: The British and the Others. Harlow: Longman Sociology Series.

Crush, Jonathan (ed.; 1998): Beyond Control: Immigration and Human Rights in a Democratic South Africa. Cape Town/Kingston: Idasa/Queen's University.

Crush, Jonathan (1999): Undermining labour: Migrancy and sub-contracting in the South African gold mining industry. Migration Policy Series no. 15. Cape Town/Kingston: Southern African Migration Project.

Crush, Jonathan (ed., 2000): Borderline farming: Foreign migrants in South African commercial agriculture. Migration Policy Series no. 16. Cape Town/Kingston: Southern African Migration Project..

Crush, Jonathan/Jeeves, Alan/Yudelman, David (1991): South Africa's Labour Empire: A History of Black Migrancy to the Gold Mines. Cape Town/Boulder, Colorado: David Philip/Westview.

Crush, Jonathan/Williams, Vincent (1999): The New South Africans? Immigration Amnesties and Their Aftermath. Cape Town: Southern African Migration Project/Idasa.

Crush, Jonathan/Williams, Vincent (2010): Labour Migration Trends and Policies in Southern Africa. SAMP Policy Brief No 23: 16 (1990–2000). Southern African Migration Project and Idasa: Kingston & Cape Town. http://www.samp.queensu.ca/samp/publications, accessed November 2013.

DHA (2006): Annual Report 2005/06. Pretoria: DHA.

DHA (2007a): Strategic Plan 2007/2009. Pretoria: Government Printer.

DHA (2007b): Annual Report 2006/07. Pretoria: DHA.

DHA (2008): Annual Report 2007/08. Pretoria: DHA.

DHA (2009): Annual Report 2008/09. Pretoria: DHA.

DHA (2010): Annual Report 2009/10. Pretoria: DHA.

DHA (2011): Annual Report 2010/11. Pretoria: DHA.

Eisenberg and Associates – DG Home Affairs (2011): Permit backlogs: 'administrative bungling', 23.11.2011. http://saknowledgesquared.blogspot.com, 12.3.2013.

Everatt, David (2011): Xenophobia, State and Society in South Africa, 2008–2010. In: Politikon 38 (1), 7-29.

FMSP – Forced Migration Studies Programme (2009): Humanitarian Assistance to Internally Displaced Persons in South Africa: Lessons Learned Following Attacks on Foreign Nationals in May 2008. FMSP: University of the Witwatersrand.

Friedman, Steven (2009): One centre of power: The African National Congress and the violence of May, 2008. In: Everatt, David (ed.): South African Civil Society

and Xenophobia. Synthesis. http://www.atlanticphilanthropies.org/learning/report-south-african-civil-society-and-xenophobia, 2.11.2013.

Froneman, William (1962): Report of the Interdepartmental Committee of Inquiry into Foreign Bantu. Pretoria: Government Printer.

Gilroy, Paul (1987): There Ain't No Black in the Union Jack: The Cultural Politics of Race and Nation. London: Hutchinson.

Hassim, Shireen/Kupe, Tawana/Worby, Eric (eds., 2009): Go Home or Die Here: Violence, Xenophobia and the Reinvention of Difference in South Africa. Johannesburg: Wits University Press.

Hammerstad, Anne (2011): Linking South Africa's immigration policy and Zimbabwe diplomacy. Policy Briefing 42. Johannesburg: South African Institute for International Affairs.

Hlatshwayo, Mondli (2011): COSATU's responses to the xenophobic attacks of May 2008. In: Politikon 38 (1), 169-187.

IOM – International Organisation for Migration (2009): Towards Tolerance, Law and Dignity: Addressing Violence Against Foreign Nationals in South Africa. Pretoria: IOM Regional Office for Southern Africa:

Human Rights Watch (1998): 'Prohibited Persons': Abuse of Undocumented Migrants, Asylumseekers, and Refugees in South Africa. New York/Washington/London/Brussels: Human Rights Watch.

Human Rights Watch (2005): Living on the margins: Inadequate protection for refugees and asylum seekers in Johannesburg. In: Human Rights Watch 17 (15A), 1-10.

Jeeves, Alan/Crush, Jonathan (eds., 1997): White Farms, Black Labor: The State and Agrarian Change in Southern Africa, 1910–1950. Pietermaritzburg/Portsmouth/Oxford: University of Natal Press/Heinemann/James Currey.

Johnston, Nicola (2001): The point of no return: Evaluating the amnesty for Mozambican refugees in South Africa. Southern African Migration Project Migration Policy Brief no. 6. Kingston & Cape Town: Southern African Migration Project.

Kruger, D.W. (ed., 1960): South African Parties and Policies, 1910–1960. Cape Town: Human and Rousseau.

Landau, Loren B./Segatti, Aurelia/Misago, Jean Pierre/Polzer-Ngwato, Tara/Monson, Tamlyn/Vigneswaran, Darshan (eds., 2011): Exorcising the Demon Within: Xenophobia, Violence and Statecraft in Contemporary South Africa. Johannesburg: Wits University Press.

McDonald, David/Gay, John/Zinyama, Lovemore/Mattes, Robert/Vletter, Fion de (1998): Challenging Xenophobia: Myths and Realities about Cross-Border Migration in Southern Africa. Migration Policy Series no. 7. Cape Town/Kingston: Southern African Migration Project.

Mushongera, Darlington (2013): Accounting for inequality in the GCR. Paper for the Gauteng City Region Observatory, Johannesburg.

Ngwane, Trevor (2009): Xenophobia in Bottlebrush: An investigation of the reasons behind attacks on African immigrants in an informal settlement in Durban. Uunpublished paper for Atlantic Philanthropies.

Oucho, John/Crush, Jonathan (2001): Contra free movement: South Africa and SADC migration protocols. In: Africa Today 48 (3), 139-158.

Pandor, Naledi – Minister of Home Affairs (2013): National Assembly, oral reply Question 33, 6.3.2013. In: SA Knowledge Squared. http://saknowledgesquared. blogspot.com, 12.3.2013.

Park, Yoon Jung (2005): Shifting Chinese identities in apartheid and post-apartheid South Africa. Unpublished PhD thesis, University of the Witwatersrand.

Peberdy, Sally (1998): Obscuring history?: Debating regional immigration policy in South Africa. In: Simon, David (ed.): South Africa in Southern Africa: Reconfiguring the Region. London/Cape Town/Athens: James Currey/David Philip/ Ohio University Press, 187-205.

Peberdy, Sally (1999): Selecting Immigrants: National Identities and South Africa's Immigration Policies, 1910–1998. Unpublished PhD thesis, Queen's University, Canada.

Peberdy, Sally (2001): Imagining immigration: Inclusive identities and exclusive immigration policies in post-1994 South Africa. In: Africa Today 48 (3), 15-34.

Peberdy, Sally (2009): Selecting Immigrants: National Identity and South Africa's Immigration Policies, 1910–2008. Johannesburg: Wits University Press.

Peberdy, Sally (2012): Reflections on migration and xenophobia in the GCRO Quality of Life Survey II. Paper for the Ahmed Kathrada Foundation, Johannesburg, 12.10.2012.

Peberdy, Sally (2013): Gauteng: A province of migrants. Data Brief No. 5. Johannesburg: Gauteng City Region Observatory.

Peberdy, Sally/Crush, Jonathan (1998): Rooted in racism: the origins of the Alien's Control Act. In: Crush, Jonathan (ed.): Beyond Control: Immigration and Human Rights in a Democratic South Africa. Cape Town/Kingston: Idasa/ Queen's University, 18-36.

Peberdy, Sally/Crush, Jonathan (2007): Histories, realities and negotiating free movement in Southern Africa. In: Pecoud, Antoine/Guchteneire, Paul de (eds.): Migration Without Borders. New York/Oxford: Berghahn Books, 175-197.

Peberdy, Sally/Jara, Mazibuko (2009): Taking control: Civil society responses to the violence of May 2008. Unpublished paper for Atlantic Philanthropies.

Peberdy, Sally/Jara, Mazibuko (2011): Humanitarian and social mobilisation in Cape Town: civil society response to the May 2008 xenophobic violence. In: Politikon 38 (1), 37-57.

Peberdy, Sally/Rogerson, Christian (2003): Creating new spaces? Immigrant Entrepreneurship in South Africa's SMME Economy. In: Kloosterman, Robert/ Rath, Jan (eds.): Venturing Abroad: Global Processes and National Peculiarities of Migrant Entrepreneurship in Advanced Economies. Oxford: Berg, 79-100.

Politikon (2011): Special issue on Xenophobia and Civil Society, Politikon 38 (1).

Polzer, Tara (2010): Population movements in and to South Africa. Migration Fact Sheet 1. Johannesburg: African Centre for Migration & Society (ACMS), University of the Witwatersrand.

Robins, Steven (2009): Humanitarian aid beyond "bare survival": Social movement responses to xenophobic violence in South Africa. In: American Ethnologist 36 (4), 637-650.

Segatti, Aurelia/Landau, Loren (2011): Contemporary Migration to South Africa: A Regional Development Issue. Washington, DC: Agence Français de Développement/World Bank.

SAMP – Southern African Migration Project (2008): The perfect storm: The realities of xenophobia in contemporary south Africa. Migration Policy Series no. 50. Cape Town/Kingston: Southern African Migration Project.

Statistics South Africa (2003): Census 2001 Census in Brief. Pretoria: Statistics South Africa.

Statistics South Africa (2012a): Census 2011 Census in Brief. Pretoria: Statistics South Africa.

Statistics South Africa (2012b): Documented immigrants in South Africa 2011. Pretoria: Statistics South Africa.

UNHCR (2013): 2013 UNHCR country operations profile – South Africa. http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e485aa6, 4.4.2013.

Williams, Vincent (2006): In Pursuit of Regional Citizenship and Identity: The Free Movement of Persons in the Southern African Development Community. In: Policies, Issues and Actors 19 (2), 1-15.

Abstracts

This article deals with the relationship between the changes in the form of the South African state and the concomitant changes in the ways in which the state has constructed South African national identity on the one hand, and changes in the immigration regime and patterns of migration on the other. It starts by providing an overview of changes in migration and migration patterns in South Africa since the formation of the Union in 1910, placing them in historical context. It then examines post-apartheid changes in legislation, practice and migration patterns. It also briefly explores the rise of xenophobia since 1994. In conclusion, changes in

the immigration regime, patterns of migration and the rise of xenophobia are explored in the context of the post-1994 nation-building project of the South African post-apartheid state.

Der Aufsatz setzt sich mit der Beziehung zwischen dem Wandel der Staatsform Südafrikas und der damit einhergehenden Veränderungen in der staatlich vorangetriebenen Formierung seiner nationalen Identität einerseits und dem Wandel des Immigrationsregimes und der Migrations-muster andererseits auseinander. Er beginnt mit einem Überblick über die Veränderungen von Migration und Migrationsmustern seit der Gründung der Union im Jahr 1910 und stellt diese in einen historischen Kontext. Dazu werden die Veränderungen in der Gesetzgebung, ihrer Handhabung sowie den Migrationsmustern in der Post-Apartheid-Ära untersucht. Nach einer kurzen Skizze zur Zunahme an Xenophobie seit 1994 werden die Veränderungen im Immigrationsregime und in den Migrationsmustern sowie die zunehmende Xenophobie im Kontext des Nation-Building-Konzepts des südafrikanischen Post-Apartheid-Staates diskutiert.

Sally Peberdy
Gauteng City-Region Observatory, a partnership between the University of Johannesburg, the University of the Witwatersrand, Johannesburg, and the Gauteng Provincial Government
sally.peberdy@gcro.ac.za