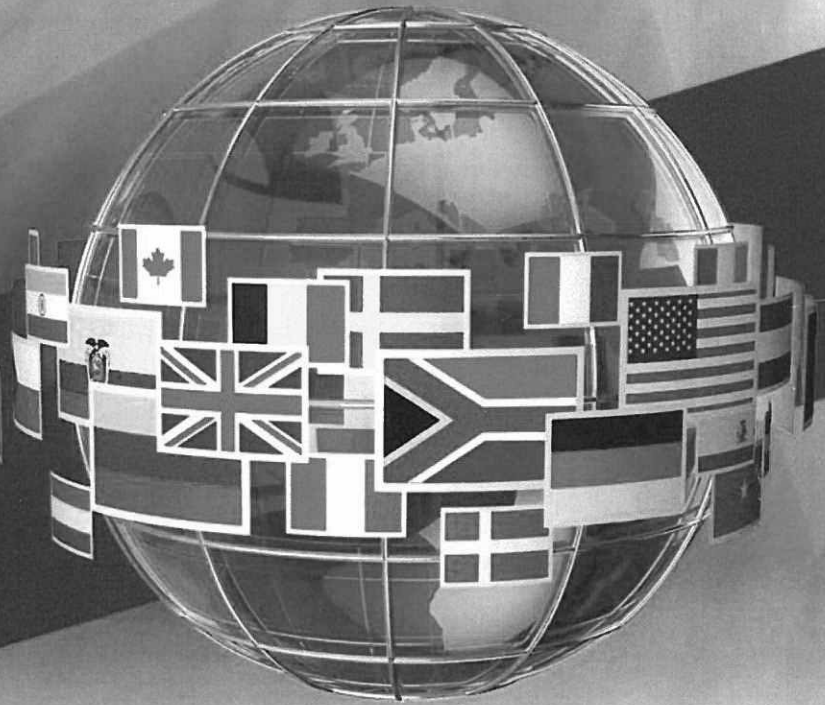


WHITE PAPER ON INTERNATIONAL MIGRATION FOR SOUTH AFRICA



ABRIDGED VERSION

11 MARCH 2017

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1. INTRODUCTION

South Africa (SA) as a sovereign state has defined borders that are recognised by approximately two hundred other states into which the political and legal world is divided. As a sovereign state, SA reserves the right to determine who is allowed entry into the country, and under what conditions. Therefore, the new White Paper on International Migration affirms SA's sovereign right to determine the admission and residence conditions for foreign nationals in line with its national interest. The policy on international migration will reflect how our nation of 55 million people will relate to the rest of the 7 billion humans who share planet Earth.

In recent past, the Department of Home Affairs (DHA) amended the Immigration and Refugees Acts and implemented regulations and strategies to address glaring gaps in legislation. However, what is required is a comprehensive review of the policy framework that can inform systematic reform of the legislation. Essentially, the country's formal international migration policy has remained in place since 1999 despite significant changes in the country, region and world.

What SA urgently needs in a highly connected world is a robust, progressive vision of the benefits of well-managed international migration. This vision must be based on the crucial contribution inward and outward migration makes and will make to growing our economy and to the transformation of Africa. The White Paper contends that it is neither desirable nor possible to stop or slow down international migration. What is argued is that international migration in general is beneficial if it is managed in a way that is efficient, secure and respectful of human rights.

2. PROBLEM ANALYSIS

The current policy on international migration is set out in the 1999 White Paper on International Migration. It is implemented through the Immigration Act, 2002 (Act No. 13 of 2002) and partly through the Refugees Act, 1998 (Act No. 130 of 1998). The 2017 White Paper argues that the current policy does not enable SA to adequately embrace global opportunities while safeguarding our sovereignty and ensuring public safety and national security. The current approach encompasses an approach that is largely static, limited to

compliance rather than to managing international migration strategically and in a secure manner.

The current approach is also not holistic in that significant policy gaps exist in a number of areas such as asylum seeker and refugee management, management of historic migration flows from SADC in a way that will break with the colonial past. Importantly, the 1999 White Paper does not address issues of capacity to manage international migration from a ‘whole-of-government’ and ‘whole-of-society’ perspective despite the fact that international migration has an impact on most sectors of government and society.

3. RATIONALE FOR A NEW INTERNATIONAL MIGRATION POLICY

The new White Paper on international migration must take into account various developments and challenges that confront the country, region and the world today. Notable developments and challenges include, amongst others:

- The adoption of the National Development Plan (NDP) as a macro policy framework for all national policies;
- The adoption of the African Union Vision 2063 which provides a framework for national migration policies in Africa;
- The rate at which the global economy is being driven by scientific and technological change is accelerating. SA has become a global player in certain areas of the sciences, including the hosting of the Square Kilometre Array (SKA) radio telescope;
- SA has become a platform for investment into Africa for multinational companies; and South African companies are also increasingly expanding their businesses into Africa and other continents;
- SA has become a major destination and transport hub for the continent and the world. Most SADC nationals, for example, are transiting through SA to the continent and the world.
- SA attracts tourists from all regions of the world because of its climate, developed infrastructure and various tourist attractions; and it has become a major venue for international events.

- SA continues to receive a high number of individual asylum seekers from almost all the regions of the world, including asylum seekers from countries that are politically stable; and
- Many South Africans have taken advantage of opportunities presented by globalisation and have migrated to various developing and developed countries.

4. VISION 2030

This new White Paper on International Migration takes its cue from the NDP which has been adopted by the government as a macro policy that should guide the development of new public policies, legislation and strategies. For instance, the NDP argues that SA needs to adopt a more open approach to skilled immigration to enable expansion of high-skill supply for the economy in a manner that obviates displacement of South Africans. Therefore the vision (**Vision 2030**) of the new international migration policy is that South Africans must embrace international migration for development while guarding sovereignty, peace and security.

The new vision will be underpinned by sound principles that have been formulated to focus the policy and to ensure that it is in line with other government policies.

- SA has a sovereign right to manage IM in its national interest which includes:
 - ✓ National priorities such as national security and development;
 - ✓ The Constitutional and international commitments; and
 - ✓ Promotion of human rights, peace and stability in the world.
- SA's international migration policy must be responsive to the African development agenda.
- SA's international migration policy must contribute to nation-building and social cohesion.
- SA's international migration policy must support emigration for development purposes.
- A whole of government and society management approach is the bedrock for the new international migration policy.

5. OVERVIEW OF THE POLICY INTERVENTIONS

The White Paper recommends policy and strategic interventions in the following eight (8) policy areas:

Management of admissions and departures: The purpose of policy interventions introduced in this area is to reinforce a strategic, modern, integrated and risk-based approach in managing a secure and efficient cross-border movement of people, goods and conveyances. Key interventions include:

- Relaxation of visa requirements for certain nationals and categories of international migrants, including frequent travellers, academics and business persons;
- Externalisation of borders through the Advance Passenger Processing (APP) and Airline Liaison Officers (ALO);
- Establishment of the Border Management Authority (BMA);
- Rationalization and designation of Ports of Entry (POE);
- Establishment of One-Stop Border Posts (OSBP) to simplify and harmonise cross-border trade and travel processes;
- Regulation of Community Border Crossings to facilitate cross-border movement between communities living along the borderline; and
- Regulating 'off-port limit' movements in the maritime ports of entry.

Management of residency and naturalisation: The purpose of policy interventions introduced in this area is to enable SA to grant residence and citizenship status to foreign nationals based on strategic, security considerations and the national priorities of SA. Key interventions include:

- The granting of residency and citizenship should be delinked; That is, there should be no automatic progression from residency to citizenship in law or in practice.
- The permanent residence permit will be replaced by a long-term residence visa in order to dispel a misconception that immigrants have a constitutional right to progress towards citizenship status on the basis of a number of years spent in the country;
- Holders of business and critical skills visas are recommended for a long-term residence visa; and
- The granting of citizenship to foreign nationals should be considered as being exceptional and requiring an executive decision of the Minister; this is contrary to the

current administrative decision making process. A Citizenship Advisory Panel could be established to consider citizenship applications and make recommendations to the Minister. The selection criteria will be developed under the citizenship policy.

Management of international migrants with skills and capital: The purpose of policy interventions introduced in this area is to increase SA's international competitiveness for critical skills and investment (attraction and retention of high-valued migrants). Key interventions include:

- Introduction of a points-based system to determine the eligibility criteria for long-term residence visas;
- Utilisation of a long-term residence visa to attract investors and skilled migrants;
- Granting of critical skills and business visas will cater for family members;
- International students who graduate within the critical skills occupations will qualify to apply for a long-term residence visa; and
- A differentiated skills transfer mechanism will be introduced to cater for different working conditions.

Management of ties with SA expatriates: The purpose of policy interventions introduced in this area is to enable SA to manage emigration such that it contributes to the achievement of national development goals. Key interventions include:

- Establishment of an institutional capacity (policy and intergovernmental structure) within the state to proactively manage and harness emigration for development;
- Mandatory registration of SA citizens who intend to emigrate and amendment of the South African Passports and Travel Documents Act, 1994 to make the registration of expatriates mandatory.
- Embracing of diaspora communities through the continuation of dual citizenship, effective provision of consular services and country ambassadorial network programmes.

Management of international migration within the African context: The purpose of policy interventions introduced in this area is to facilitate cross-border movement of African citizens and provide a legal route for SADC economic migrants. Key interventions include:

- Elimination of visa requirements for African citizens in a secure manner;

- Granting of a long-term multiple-entry visas for frequent travellers, business people, and academics;
- Introduction of SADC special work quota, cross-border traders and SMME visas; and
- Review of existing bilateral labour agreements in line with the new policy.

Management of asylum seekers and refugees: The purpose of policy interventions introduced in this area is to enable SA to provide refugee protection and basic services to asylum seekers and refugees in a humane and secure manner. Key interventions include:

- Establishment of humane and secure Asylum Seeker Processing Centres closer to the borderline. The centres will profile and accommodate asylum seekers during their status determination process;
- The centres will cater for the basic needs of asylum seekers who do not have viable means to sustain themselves;
- Applications will be finalized within 120 days, with the exception of judicial review cases;
- Asylum seekers would not have the automatic right to work or study since their basic needs will be catered for in the processing centres. However, in exceptional circumstances such as judicial review, asylum seekers will be allowed to work and study;
- Refugees may apply for a long-term residence visa after ten (10) continuous years of living in RSA as a refugee. However, a refugee must apply to the Standing Committee for Refugee Affairs (SCRA) for certification to be declared a refugee indefinitely;
- National strategy for the integration of refugees will be developed in line with the non-encampment policy;
- Naturalisation will be de-linked from the immigration and refugee regime and will be prescribed in the frameworks governing citizenship and civil rights in SA; and
- A bilateral and multilateral approach will be advocated to establish cooperation with asylum producing and transit countries (3rd safe country principle).

Management of the integration process for international migrants: The purpose of policy interventions introduced in this area is to establish a secure, strategic and integrated approach for the integration of bona fide migrants into communities. Key interventions include:

- The integration policy will apply to international migrants who are in the country legally and are holders of long-term residence visas and permits; and
- Inter-sectoral and intergovernmental institutional machinery with strong coordination and accountability mechanisms will be established at national, provincial and local government levels.

Management of enforcement: The purpose of policy interventions introduced in this area is to reduce irregular migration and increase compliance with immigration and related legislation and by-laws. Key interventions include:

- A risk-based deportation strategy which will prioritise deportation of high risk over low risk migrants;
- Laying of criminal charges against repeat offenders and those who do not cooperate with deportation notices;
- Immigration repatriation centres at provincial level;
- Prioritisation of investigation and case flow management for immigration related cases; and
- Issuing of marriage clearance certificates to foreign nationals who intend to enter into spousal relationships (marriages and life partnerships) with SA citizens.

6. FINANCIAL IMPLICATIONS

Some of the policy interventions contained in the White Paper will require significant restructuring, the cost implication of which cannot be assessed at this time. The White Paper is sensitive to the consideration that any given policy can only succeed if it can be supported by the available fiscal and financial resources. However, at this juncture, it is not possible to prepare a complete fiscal and financial assessment of the White Paper's implications which should be more properly assessed during the legislative process. In fact, while some of the policy interventions will cause additional public expenditure, others will result in substantial savings. A well-managed international migration will reduce the social costs and public expenditure associated with illegal migration. However, a meaningful cost analysis will require the development of a cost-saving matrix which goes beyond the scope of the present policy formulation exercise.

However, in assessing the financial implications of a new policy, one must be mindful of the relevant starting point: the present situation holds back development and carries social and economic costs that could be reduced. Investing in the effective management of international migration will bring savings as well as benefits.

The department is currently developing a business case which will, amongst other things, outline a viable and sustainable funding model for the effective delivery of its mandate. The argument advanced in the business case is that policy, legal, organisational, systems and financial constraints are preventing the DHA from delivering against its full mandate as a critical enabler of economic development, state security, service delivery and access to rights.

7. STAKEHOLDER CONSULTATION

The department undertook extensive consultative interventions which included the following:

- Gazetting of the Green Paper for public consultation;
- The DHA successfully hosted, amongst others, the following stakeholder consultation engagements: roundtable with academics on an Afrocentric migration policy; dialogues with Organised Labour, Business, Civil society; scholars and students of international migration, and traditional leaders;
- The Minister wrote to all Cabinet Ministers requesting them to submit written inputs on the Green Paper;
- The Green Paper was presented to various consultative forums including: provincial government clusters, NEDLAC and the Home Affairs portfolio committee;
- An intergovernmental workshop with officials from all spheres of government deliberated on the key policy proposals; and
- This White Paper was finalised in consultation with five (5) FOSAD clusters and their respective sub-committees.

8. IMPLEMENTATION PLAN

The new White Paper will provide a policy framework that will guide the comprehensive review of immigration and related legislation. Those elements of the new policy that require only administrative action will be implemented immediately. However, those elements of the new policy, which require major changes, will not be implementable immediately as the amendment of legislation will be required. The following DHA legislation will require amendment before the full implementation of the new policy:

- Immigration Act, 2002 (Act No. 13 of 2002);
- Refugees Act, 1998 (Act No. 130 of 1998);
- Citizenship Act, 1995 (Act No. 88 of 1995);
- Passports and Travel Documents Act, 1994 (Act No. 4 of 1994), and
- Marriage Act, 1961 (Act No. 25 of 1961).

An interdepartmental task team of legal experts will be established to undertake the review of the legal framework.

9. CONCLUSION

The broad understanding of international migration advocated in the new White Paper accords with principles adopted by international and regional bodies such as the UN, the AU, the International Organization for Migration (IOM), International Labour Organization (ILO) and the United Nations High Commissioner for Refugees (UNHCR). It recognises the rights of nations to security and self-determination within a framework of universal human rights and shared responsibilities.

What is put forward in the White Paper is based on desktop research, interviews and discussions with internal and external stakeholders (workshops, roundtables and colloquia), as well as domestic and international study tours. It is also informed by a practical knowledge of problems that have emerged since the publication of the White Paper on International Migration in 1999.

10. APPENDICES

Trends on international movements: Foreign Arrivals for the period 2011 to 2016

Country	2011	%	2012	%	2013	%	2014	%	2015	%	2016	%
LESOTHO	3,231,198	26%	3,159,045	24%	3,179,290	22%	3,192,012	21%	3,446,591	22%	3,807,923	23%
ZIMBABWE	2,400,429	19%	2,947,721	22%	3,486,327	24%	3,599,136	23%	3,420,840	22%	3,419,088	21%
MOZAMBIQUE	1,564,543	13%	1,732,183	13%	1,980,889	13%	2,133,012	14%	2,078,799	13%	2,015,119	12%
SWAZILAND	1,120,877	9%	1,232,633	9%	1,413,618	10%	1,602,200	10%	1,682,041	11%	1,733,549	10%
BOTSWANA	659,333	5%	683,746	5%	863,321	6%	989,935	6%	1,153,573	7%	1,357,651	8%
UK	515,158	4%	504,715	4%	504,481	3%	517,504	3%	531,781	3%	560,032	3%
USA	314,583	3%	328,557	2%	353,100	2%	371,964	2%	363,566	2%	409,145	2%
GERMANY	254,297	2%	268,246	2%	289,744	2%	314,233	2%	306,902	2%	356,719	2%
NAMIBIA	177,496	1%	223,807	2%	258,829	2%	272,281	2%	289,683	2%	287,141	2%
ZAMBIA	177,830	1%	180,497	1%	193,290	1%	200,791	1%	191,977	1%	201,627	1%
MALAWI	152,218	1%	154,918	1%	189,329	1%	186,868	1%	160,788	1%	174,592	1%
FRANCE	117,326	1%	125,385	1%	133,038	1%	154,700	1%	156,549	1%	181,031	1%
NETHERLANDS	126,574	1%	127,535	1%	131,221	1%	150,575	1%	146,677	1%	170,256	1%
INDIA	110,189	1%	120,567	1%	131,774	1%	124,450	1%	121,513	1%	137,917	1%
CHINA	97,689	1%	119,096	1%	139,228	1%	112,727	1%	115,326	1%	148,716	1%
AUSTRALIA	114,564	1%	120,152	1%	121,664	1%	127,129	1%	115,809	1%	124,758	1%
NIGERIA	74,845	1%	78,733	1%	92,449	1%	81,716	1%	77,299	0%	84,912	1%
ITALY	64,861	1%	65,728	0%	69,037	0%	74,761	0%	68,728	0%	76,964	0%
CANADA	64,222	1%	68,104	1%	70,512	0%	70,881	0%	67,546	0%	71,621	0%
PORTUGAL	63,273	1%	68,447	1%	68,234	0%	66,857	0%	66,892	0%	64,282	0%
Top 20 Foreign Arrivals	11,401,505	92%	12,309,815	92%	13,669,375	93%	14,343,732	93%	14,562,880	93%	15,383,043	93%
All Foreign Arrivals	12,370,123		13,313,038		14,757,652		15,427,482		15,610,272		16,550,616	

Trends on international movements: Foreign departures for the period 2011 to 2016

Country	2011	%	2012	%	2013	%	2014	%	2015	%	2016	%
LESOTHO	2,701,404	25%	2,520,162	22%	2,682,312	20%	2,794,676	20%	2,899,633	20%	3,231,707	22%
ZIMBABWE	2,126,297	20%	2,376,146	21%	3,074,759	23%	3,056,018	22%	2,912,827	21%	2,829,182	19%
MOZAMBIQUE	1,095,527	10%	1,328,617	12%	1,748,711	13%	1,946,055	14%	1,888,857	13%	1,820,946	12%
SWAZILAND	1,047,434	10%	1,145,401	10%	1,335,323	10%	1,520,184	11%	1,576,545	11%	1,644,053	11%
BOTSWANA	653,864	6%	668,298	6%	846,786	6%	971,301	7%	1,124,906	8%	1,337,892	9%
UK	511,864	5%	502,306	4%	502,417	4%	514,258	4%	524,013	4%	563,846	4%
USA	310,297	3%	324,720	3%	350,089	3%	371,303	3%	360,809	3%	406,283	3%
GERMANY	248,855	2%	264,672	2%	287,389	2%	306,454	2%	301,222	2%	347,144	2%
NAMIBIA	175,915	2%	221,373	2%	254,855	2%	268,663	2%	286,534	2%	283,873	2%
ZAMBIA	166,873	2%	165,226	1%	184,310	1%	190,262	1%	181,422	1%	189,459	1%
FRANCE	117,943	1%	124,513	1%	133,290	1%	155,625	1%	158,759	1%	181,911	1%
NETHERLANDS	120,829	1%	126,087	1%	130,576	1%	148,626	1%	144,333	1%	165,502	1%
CHINA	96,435	1%	118,458	1%	140,829	1%	116,770	1%	119,569	1%	152,415	1%
INDIA	106,757	1%	116,323	1%	128,702	1%	121,594	1%	120,492	1%	139,201	1%
AUSTRALIA	112,698	1%	118,215	1%	121,382	1%	124,599	1%	116,636	1%	124,560	1%
MALAWI	103,466	1%	98,653	1%	114,355	1%	130,132	1%	129,453	1%	124,289	1%
NIGERIA	65,594	1%	71,261	1%	82,161	1%	75,367	1%	74,542	1%	80,232	1%
ITALY	63,700	1%	65,445	1%	68,295	1%	73,744	1%	68,801	0%	76,303	1%
CANADA	63,616	1%	67,662	1%	70,507	1%	71,349	1%	67,705	0%	71,511	0%
PORTUGAL	61,271	1%	67,068	1%	66,825	0%	65,937	0%	66,011	0%	63,490	0%
Top 20 Foreign Departures	9,950,639	91%	10,490,606	91%	12,323,873	92%	13,022,917	92%	13,123,069	93%	13,833,799	92%
Top 20 Foreign Arrivals	11,401,505		12,309,815	677%	13,669,375		14,343,732		14,562,880		15,383,043	
All Foreign Departures	10,894,724		11,478,328		13,399,830		14,104,171		14,174,409		14,988,933	
Difference	1,450,866		1,819,209		1,345,502		1,320,815		1,439,811		1,549,244	

Trends on all international movements for the period 2011 to 2016

Year	Citizens		Total	Foreigners		Total	Grand Total
	Arrivals	Departures		Arrivals	Departures		
2011	4,870,436	4,914,014	9,784,450	12,370,123	10,894,724	23,264,847	33,049,297
2012	4,814,715	4,863,916	9,678,631	13,313,038	11,478,328	24,791,366	34,469,997
2013	5,006,626	5,113,350	10,119,976	14,757,652	13,399,830	28,157,482	38,277,458
2014	5,074,074	5,160,428	10,234,502	15,427,482	14,104,171	29,531,653	39,766,155
2015	5,075,189	5,136,482	10,211,671	15,610,272	14,174,409	29,784,681	39,996,352
2016	5,133,436	5,235,891	10,369,327	16,550,616	14,988,933	31,539,549	41,908,876

Trends on visas that were issued between June 2014 and Jan 2016

Type of Temporary Residence	Number	%
Relative Visa (Spouse)	28608	24%
Study Visa Section 13	22074	18%
Visitors Visa Section 11(1)	16632	14%
General Work Visa Section 19(2)	11582	10%
Visitors Visa Section 11(6)	11221	9%
Critical Skills Visa Section 19(1)	7195	6%
Visitors visa section 11(1)(b)(iv)	5226	4%
Relatives visa (minor child) Section 15	4668	4%
Visitor's visa section 11(1)(b)(ii)	3283	3%
Visitors Visa Section 11(2)	2217	2%
Work Visa Section 19(5)	1971	2%
Relatives visa (major child) Section 17	1878	2%
Medical Treatment Section 17	1806	1%
Business Visa Section 15	1530	1%
Retired Person Visa Section 20	1346	1%
Total top 15 types	121237	100%

Trends on permits that were issued between June 2014 and December 2016

Permanent Residence Category	Number	%
26(b)Spouse	15965	35%
26(a)Worker	8315	18%
27(g)Relative	2853	6%
27(b)Extra Ordinary Skills	4257	9%
27(d)Refugee	1929	4%
27(e)Retired	1231	3%
27(C)Business	1453	3%
26(d)Dependent(>21)	999	2%
27(a)Worker	583	1%
27(f)Financially Independent	196	1%
26(c)Dependent(<18)	8319	18%
Grand Total	46100	100%

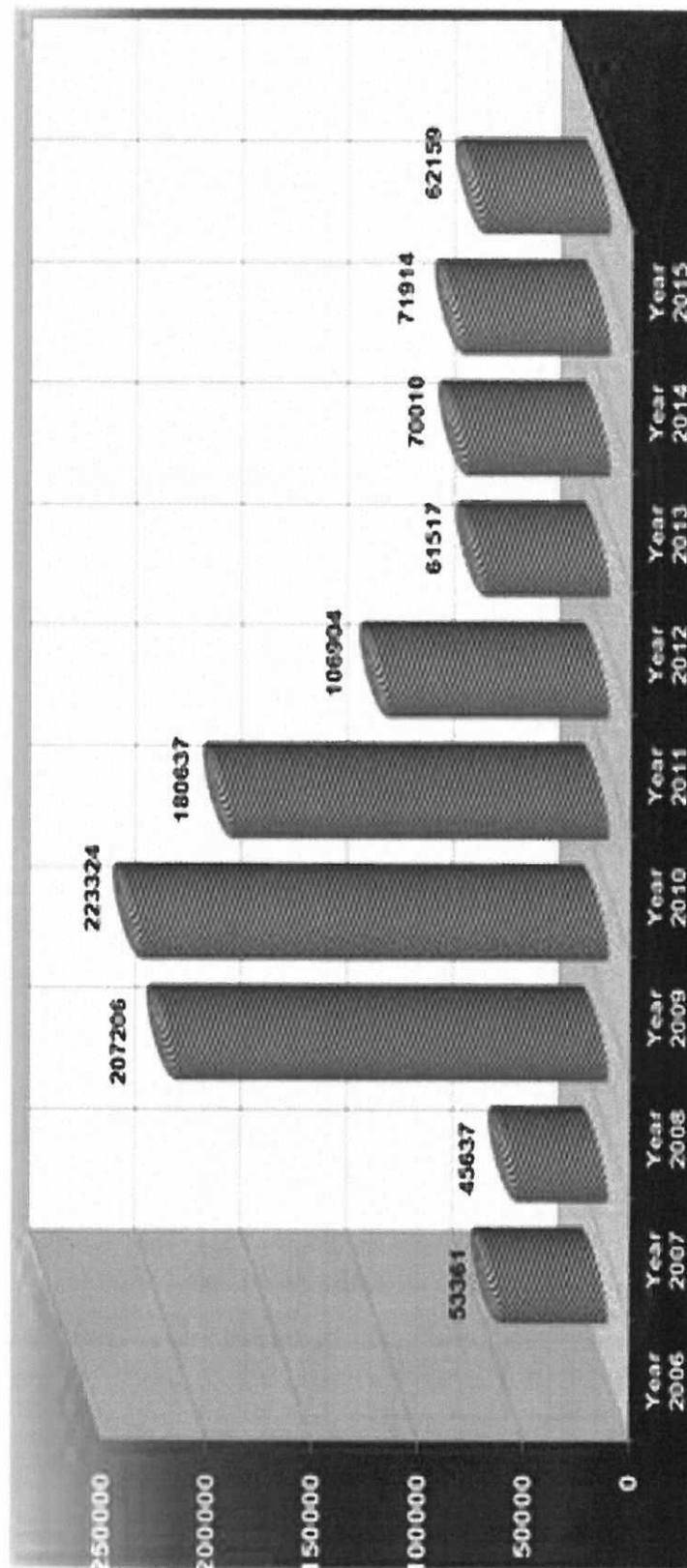
Source: VFS System (16 June 2014 – 01 December 2016)

Trends on Asylum Seeker Applications for the period 2006 to 2015



Registered Asylum Seekers for the past ten (10) years

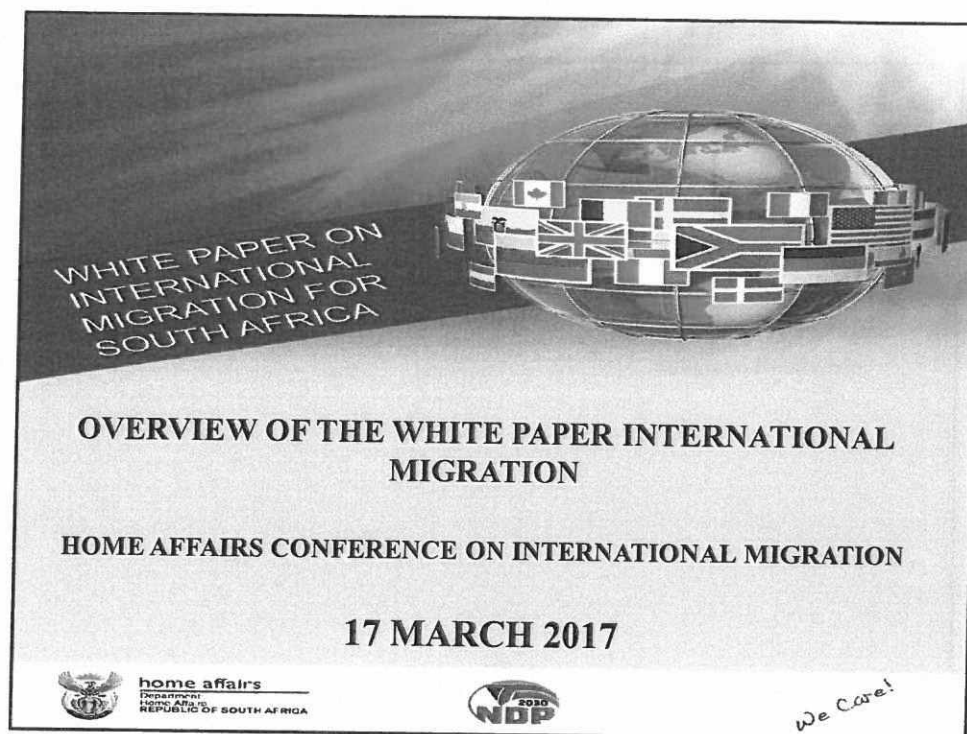
Cumulative Registered Asylum Seekers by Year: 2006 - 2015




Trends on deportations for the period 2012 to 2016

Deportation statistics for 2012-2016															
	Country	2012	%	Country	2013	%	Country	2014	%	Country	2015	%	Country	2016	%
	1 ZIM	38987	38%	MOZ	46273	41%	MOZ	48603	53%	MOZ	12534	33%	MOZ	12213	52%
	2 LSO	26961	26%	ZIM	35251	31%	ZIM	18356	20%	ZIM	11265	30%	ZIM	7434	32%
	3 MOZ	23651	23%	LSO	21339	19%	LSO	14138	15%	LSO	7926	21%	LSO	1050	4%
	4 MWI	8255	8%	MWI	5740	5%	MWI	6823	7%	MWI	3907	10%	SWZ	955	4%
	5 SWZ	2262	2%	SWZ	3089	3%	SWZ	1957	2%	SWZ	896	2%	MWI	844	4%
	6 TZA	1307	1%	TZA	657	1%	TZA	464	1%	TZA	418	1%	TZA	264	1%
	7 NGA	593	1%	NGA	377	0%	NGA	292	0%	NGA	235	1%	NGA	217	1%
	8 COD	218	0%	UGA	149	0%	GHA	97	0%	CHN	60	0%	COD	63	0%
	9 UGA	194	0%	GHA	111	0%	COD	86	0%	UGA	58	0%	ZMB	42	0%
	10 BDI	165	0%	CHN	93	0%	CHN	85	0%	COD	40	0%	THA	37	0%
	Top 10 countries	102,593	99%		113,079	100%		90,901	99%		37,339	99%		23,119	99%
	Others	936	1%		475	0%		607	1%		342	1%		335	1%
	Total	103,529	100%		113,554	100%		91,508	100%		37,681	100%		23,454	100%

Abbreviations: AGO-Angola; BDI-Burundi; CHN-People's Republic of China; COD- Democratic Republic of Congo; GHA-Ghana; MOZ- Mozambique; LSO-Lesotho; MWI-Malawi; NGA-Nigeria; SWZ-Swaziland; THA-Thailand; TZA-Tanzania ; UGA-Uganda; ZMB-Zambia; ZIM- Zimbabwe.



 home affairs Department of Home Affairs REPUBLIC OF SOUTH AFRICA
Contents of the Presentation
1. Purpose
2. Background
3. Rationale for a new White Paper
4. Proposed vision and principles
5. Policy and strategic interventions
6. Capacity for managing International Migration
2

PURPOSE

- The purpose of this presentation is to provide an update on the progress made by the Department of Home Affairs (DHA) towards the development of a new White Paper on international migration

BACKGROUND

- The current policy on international migration (IM) is set out in the 1999 White Paper on IM. It is implemented through the Immigration Act No. 13 of 2002 and partly through the Refugees Act No. 130 of 1998.
- In recent past, the DHA amended the Immigration and Refugees Acts and implemented regulations and strategies to address glaring gaps in legislation. However, what is required is a comprehensive review of the policy framework that can inform systematic reform of the legislation. Essentially, the country's formal IM policy has remained in place since 1999 despite significant changes in the country, region and world.
- It is against this background that the DHA has undertaken a comprehensive review of the current IM policy. The Minister of Home Affairs, Honourable MKN Gigaba, has identified the development of a new IM policy as one of his top priorities during his term of office.

Limitations of the current policy and approach

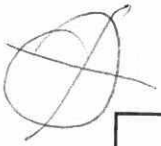
Problem Statement

- The current policy on IM does not enable SA to adequately embrace global opportunities while safeguarding our sovereignty and ensuring public safety and national security.

Root causes

- SA has not yet built consensus on how to manage IM for development – lack of a holistic and whole of government and society approach.
- The DHA is regarded as the sole department responsible for the management of IM.
- DHA has historically been regarded as performing routine administrative functions in a low-value, low-security environment.
- The current policy is based on an approach that is largely static and is limited to compliance rather than to managing IM strategically to achieve national goals.
- Lack of a risk-based approach to IM. SA has invested little in the effective and secure management of IM so that risks can be evaluated and mitigated adequately.
- Little awareness of historical and geo-political contexts. That is, management of historic flows of labour within SADC.

5



RATIONALE FOR A NEW WHITE PAPER

- The new policy on IM must take into consideration the following notable developments nationally, regionally and globally:
 - The National Development Plan (NDP) argues that SA needs to adopt a more open approach to skilled immigration to enable expansion of high-skill supply for the economy in a manner that obviates displacement of South Africans.
 - SA attracts tourists from all regions of the world because of its climate, developed infrastructure and various tourist attractions; and it has become a major venue for international events.
 - SA has become a major destination and transport hub for the continent and the world.
 - SA has become a platform for investment into Africa. South African companies are also increasingly expanding their businesses into Africa and other continents.
 - Migrants from the African continent, as far as North Africa, are transiting through SA to their preferred destination countries in Europe and North America.
 - SA continues to receive a high number of individual asylum seekers from almost all the regions of the world, including asylum seekers from countries that are politically stable.
 - African countries continue to liberalise their immigration regimes in line with the African Union 2063 vision.

6

Proposed Vision and Principles

Vision

- South Africans must embrace international migration for development while guarding sovereignty, peace and security.

Key principles

- SA has a sovereign right to manage IM in its national interest which includes:
 - National priorities such as national security and development;
 - The Constitutional and international commitments; and
 - Promotion of human rights, peace and stability in the world.
- SA's IM policy must be responsive to the African development agenda.
- SA's IM policy must contribute to nation-building and social cohesion.
- SA's IM policy must support emigration for development purposes.
- A whole of government and society management approach is the bedrock for the new IM policy.

7

POLICY AND STRATEGIC INTERVENTIONS

8

1. Management of Admissions and Departures

- **Problem statement:** The cross-border movement of persons, goods and conveyances is not managed in a proactive, secure and strategic manner.
- **Policy objective:** to entrench a strategic, modern, integrated and risk-based approach in managing a secure and efficient movement of people, goods and conveyances.
- **Key proposed and/or ongoing interventions:**
 - ✓ Establishment of the Border Management Authority (BMA);
 - ✓ Relaxation of visa requirements for certain nationals and categories of international migrants, including frequent travellers, academics and business persons;
 - ✓ Externalisation of borders through the Advance Passenger Processing (APP) and Airline Liaison Officers (ALO);
 - ✓ Rationalization and designation of Ports of Entry (POE);
 - ✓ Establishment of One-Stop Border Posts (OSBP) to simplify and harmonise cross-border trade and travel processes;
 - ✓ Regulation of Community Border Crossings to facilitate cross-border movement between communities living along the borderline; and
 - ✓ Regulation of Off-port limit movements in the maritime ports of entry.

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Trends on international movements: Foreign Arrivals

Country	2011	%	2012	%	2013	%	2014	%	2015	%	2016	%
LESOTHO	3,231,198	26%	3,159,045	24%	3,179,290	22%	3,192,012	21%	3,446,591	22%	3,807,923	23%
ZIMBABWE	2,400,429	19%	2,947,721	22%	3,486,327	24%	3,599,136	23%	3,420,840	22%	3,419,088	21%
MOZAMBIQUE	1,564,543	13%	1,732,183	13%	1,980,889	13%	2,133,012	14%	2,078,799	13%	2,015,119	12%
SWAZILAND	1,120,877	9%	1,232,633	9%	1,413,618	10%	1,602,200	10%	1,682,041	11%	1,733,549	10%
BOTSWANA	659,333	5%	683,746	5%	863,321	6%	989,935	6%	1,153,573	7%	1,357,651	8%
UK	515,158	4%	504,715	4%	504,481	3%	517,504	3%	531,781	3%	560,032	3%
USA	314,583	3%	328,557	2%	353,100	2%	371,964	2%	363,586	2%	409,145	2%
GERMANY	254,297	2%	268,246	2%	289,744	2%	314,233	2%	306,902	2%	356,719	2%
NAMIBIA	177,496	1%	223,807	2%	258,829	2%	272,281	2%	289,683	2%	287,141	2%
ZAMBIA	177,830	1%	180,497	1%	193,290	1%	200,791	1%	191,977	1%	201,627	1%
MALAWI	152,218	1%	154,918	1%	189,329	1%	186,868	1%	160,788	1%	174,592	1%
FRANCE	117,326	1%	125,385	1%	133,038	1%	154,700	1%	156,549	1%	181,031	1%
NETHERLANDS	126,574	1%	127,535	1%	131,221	1%	150,575	1%	146,677	1%	170,256	1%
INDIA	110,189	1%	120,567	1%	131,774	1%	124,450	1%	121,513	1%	137,917	1%
CHINA	97,689	1%	119,096	1%	139,228	1%	112,727	1%	115,326	1%	148,716	1%
AUSTRALIA	114,564	1%	120,152	1%	121,664	1%	127,129	1%	115,809	1%	124,758	1%
NIGERIA	74,845	1%	78,733	1%	92,449	1%	81,716	1%	77,299	0%	84,912	1%
ITALY	64,861	1%	65,728	0%	69,037	0%	74,761	0%	68,728	0%	76,964	0%
CANADA	64,222	1%	68,104	1%	70,512	0%	70,881	0%	67,546	0%	71,621	0%
PORTUGAL	63,273	1%	68,447	1%	68,234	0%	66,857	0%	66,892	0%	64,282	0%
Top 20 arrivals	11,401,505	92%	12,309,815	92%	13,669,375	93%	14,343,732	93%	14,582,880	93%	15,383,043	93%
Grand total	12,370,123		13,313,038		14,757,652		15,427,482		15,610,272		16,550,616	

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Trends on international movements: Foreign Departures

Country	2011	%	2012	%	2013	%	2014	%	2015	%	2016	%
LESOTHO	2,701,404	25%	2,520,162	22%	2,682,312	20%	2,794,676	20%	2,899,633	20%	3,234,707	22%
ZIMBABWE	2,126,297	20%	2,376,146	21%	3,074,759	23%	3,056,018	22%	2,912,827	21%	2,829,182	19%
MOZAMBIQUE	1,095,527	10%	1,328,617	12%	1,748,711	13%	1,946,055	14%	1,888,857	13%	1,820,946	12%
SWAZILAND	1,047,434	10%	1,145,401	10%	1,335,323	10%	1,520,184	11%	1,576,545	11%	1,644,053	11%
BOTSWANA	653,864	6%	668,298	6%	846,786	6%	971,301	7%	1,124,906	8%	1,337,892	9%
UK	511,864	5%	502,306	4%	502,417	4%	514,258	4%	524,013	4%	563,846	4%
USA	310,297	3%	324,720	3%	350,089	3%	371,303	3%	360,809	3%	406,283	3%
GERMANY	248,855	2%	264,672	2%	287,389	2%	306,454	2%	301,222	2%	347,144	2%
NAMIBIA	175,915	2%	221,373	2%	254,855	2%	268,663	2%	286,534	2%	283,873	2%
ZAMBIA	166,873	2%	165,226	1%	184,310	1%	190,262	1%	181,422	1%	189,459	1%
FRANCE	117,943	1%	124,513	1%	133,290	1%	155,625	1%	158,759	1%	181,911	1%
NETHERLANDS	120,829	1%	126,087	1%	130,576	1%	148,626	1%	144,333	1%	165,502	1%
CHINA	96,435	1%	118,458	1%	140,829	1%	116,770	1%	119,569	1%	152,415	1%
INDIA	106,757	1%	116,323	1%	128,702	1%	121,594	1%	120,492	1%	139,201	1%
AUSTRALIA	112,698	1%	118,215	1%	121,382	1%	124,599	1%	116,636	1%	124,560	1%
MALAWI	103,466	1%	98,653	1%	114,355	1%	130,132	1%	129,453	1%	124,289	1%
NIGERIA	65,594	1%	71,261	1%	82,161	1%	75,367	1%	74,542	1%	80,232	1%
ITALY	63,700	1%	65,445	1%	68,295	1%	73,744	1%	68,801	0%	76,303	1%
CANADA	63,616	1%	67,662	1%	70,507	1%	71,349	1%	67,705	0%	71,511	0%
PORTUGAL	61,271	1%	67,068	1%	66,825	0%	65,937	0%	66,011	0%	63,490	0%
Top 20 Depart.	9,950,639	91%	10,490,606	91%	12,323,873	92%	13,022,917	92%	13,123,069	93%	13,833,799	92%
Grand Tot. Depart.	10,894,724		11,478,328		13,399,830		14,104,171		14,174,409		14,988,933	
Grand Tot. Arrivals	12,370,534		13,314,243		14,758,649		15,427,689		15,610,272		16,550,616	
Discrepancy	1,475,810		1,835,915		1,358,819		1,323,518		1,435,863		1,561,683	

2. Management of residency and naturalisation

- **Problem statement:** The current policy enables holders of certain visas to automatically graduate to PR and later to citizenship on the grounds of years spent in the country. The approach is mechanical and does not allow the granting of residency or naturalisation to be used strategically. As a result, some of the foreign nationals that have been granted PR and citizenship in SA do not contribute to the national development agenda of the country.
- **Policy objective:** The process of granting residence and citizenship status to foreign nationals should be based on strategic and security considerations and the national priorities of SA.
- **Key proposed and/or ongoing interventions:**
 - ✓ There should be no automatic progression from residency to citizenship in law or in practice. That is, the granting of residency and citizenship should be delinked;
 - ✓ The permanent residence permit will be replaced by a long-term residence visa in order to correct a misconception that immigrants have a constitutional right to progress towards citizenship status on the basis of a number of years spent in the country;
 - ✓ Holders of business and critical skills visas are recommended for a long-term residence visa; and
 - ✓ The granting of citizenship to foreign nationals should be considered as being exceptional and requiring an executive decision of the Minister; this is contrary to the current administrative decision making process.

DATA ON TEMPORARY VISAS (1 June 2014 - 14 Jan 2016)

Type of Temporary Residence Visa	Number	%
Relative Visa (Spouse)	28608	24%
Study Visa Section 13	22074	18%
Visitors Visa Section 11(1)	16632	14%
General Work Visa Section 19(2)	11582	10%
Visitors Visa Section 11(6)	11221	9%
Critical Skills Visa Section 19(1)	7195	6%
Visitors visa section 11(1)(b)(iv)	5226	4%
Relatives visa (minor child) Section 18	4668	4%
Visitor's visa section 11(1)(b)(ii)	3283	3%
Visitors Visa Section 11(2)	2217	2%
Work Visa Section 19(5)	1971	2%
Relatives visa (major child) Section 18	1878	2%
Medical Treatment Section 17	1806	1%
Business Visa Section 15	1530	1%
Retired Person Visa Section 20	1346	1%
Total top 15 types	121237	100%

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DATA ON PERMANENT RESIDENCE PERMITS (1 June 2014 - 14 Jan 2016)

Permanent Residence Category	Total applications	%
26(b)Spouse	9975	33%
26(a)Worker	5799	19%
26(c)Dependent(<21)	5271	18%
27(g)Relative	2298	8%
27(b)Extra Ordinary Skills	2175	7%
27(d)Refugee	1115	4%
27(e)Retired	953	3%
27(C)Business	875	3%
26(d)Dependent(>21)	621	2%
27(a)Worker	520	2%
27(f)Financially Independent	249	1%
26(c)Dependent(<18)	156	1%
26(d)Dependent(>18)	91	0%
Grand Total	30098	100%

PR Applications on the basis of being a spouse represent one third of all PR applications received

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3. Management of international migrants with skills & capital

- **Problem statement:** The current policy limits the country's ability to compete internationally for skills and investment.
- **Policy objective:** Attraction and retention of high-valued migrants; including the fast-tracking of the granting of long-term residence visa and naturalisation.
- **Key proposed and/or ongoing interventions:**
 - ✓ Introduction of a points-based system to determine the eligibility criteria for long-term residence visas;
 - ✓ Utilisation of a long-term residence visa to attract high valued migrants (investors and skilled migrants);
 - ✓ Granting of critical skills and business visas will cater for family members;
 - ✓ International students who graduate within the critical skills occupations will qualify to apply for a long-term residence visa; and
 - ✓ A differentiated skills transfer mechanism will be introduced to cater for different working conditions.

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4. Management of ties with SA expatriates

- **Problem statement:** The current policy does not enable SA to proactively manage and harness emigration for development.
- **Policy objective:** establishment of an institutional capacity within the state to proactively manage and harness emigration for development.
- **Key proposed and/or ongoing interventions:**
 - ✓ State support for citizens who intend to emigrate for study, work and investment purposes.
 - ✓ Incentive schemes to motivate SA expatriates to contribute (skills and investment) in the country.
 - ✓ Mandatory registration of South Africans who intend to emigrate or those living abroad
 - ✓ Review of the SA Passports and Travel Documents Act, 1994 to make the registration of expatriates mandatory.
 - ✓ Establishment of diaspora ambassadorial and knowledge networks
 - ✓ Reintegration programmes for expatriates wishing to return
 - ✓ Establishment of an institutional mechanism for managing emigration

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5. Management of IM within the African context

- **Problem statement:** The current policy limits the country's ability to manage IM in line with the African development agenda (AU 2063 Vision).
- **Policy objective:** Support the vision of an Africa where its citizens can move more freely across national borders, where intra-Africa trade is encouraged and there is greater integration and development of the African continent.
- **Key proposed and/or ongoing interventions:**
 - ✓ Elimination of visa requirements for African citizens in a secure manner;
 - ✓ Granting of a long-term multiple-entry visas for frequent travellers, business people, and academics;
 - ✓ Introduction of SADC special work quota visa
 - ✓ Cross-border traders visa
 - ✓ SMME visa; and
 - ✓ Review of existing bilateral labour agreements in line with the new policy.

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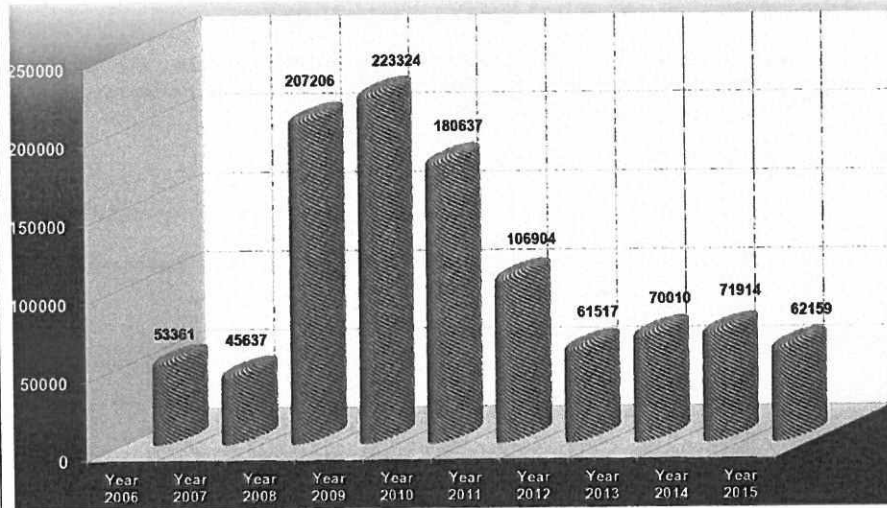
6. Management of asylum seekers and refugees

- **Problem statement:** SA experiences high volumes of mixed migration flows that tend to utilise the asylum regime to regularise their stay in the country. Only about 5% of the claims are successful since most of the applicants are economic migrants.
- **Policy objective:** Provision of effective and efficient status determination and protection services to genuine asylum seekers and refugees while limiting the abuse of the system.
- **Key proposed and/or ongoing interventions:**
 - ✓ Establishment of humane and secure Asylum Seeker Processing Centres closer to the borderline;
 - ✓ Asylum seekers would not have the automatic right to work or study since their basic needs will be catered for in the processing centres;
 - ✓ Refugees may apply for a long-term residence visa after ten (10) continuous years of living in RSA as a refugee. However, a refugee must apply to the Standing Committee for Refugee Affairs (SCRA) for certification to be declared a refugee indefinitely;
 - ✓ National strategy for the integration of refugees will be developed in line with the non-encampment policy;
 - ✓ Naturalisation will be de-linked from the immigration and refugee regime and will be prescribed in the frameworks governing citizenship and civil rights in SA; and
 - ✓ A bilateral and multilateral approach will be advocated to establish cooperation with asylum producing and transit countries.

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Registered Asylum Seekers for the past ten (10) years

Cumulative Registered Asylum Seekers by Year: 2006 - 2015

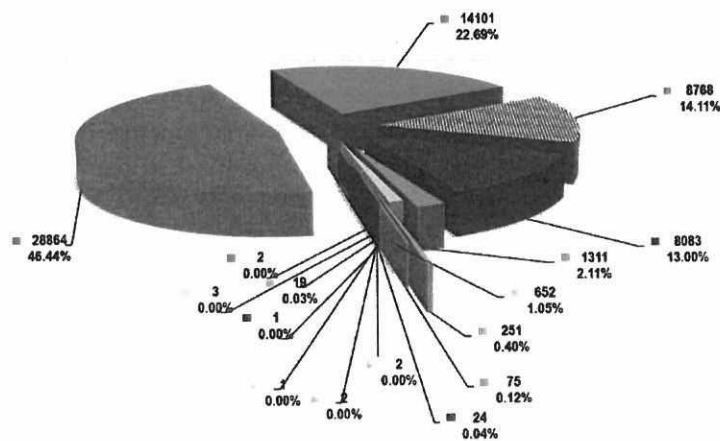


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Regional Classification

2015 Regional Classification

■ SADC ■ Eastern Africa ■ West Africa ■ South Central Asia ■ Central Africa ■ Eastern Asia
 ■ Northern Africa ■ Middle East ■ South East Asia ■ Eastern Europe ■ Caribbean ■ Western Europe



20

7. Management of the integration process for international migrants

- **Problem statement:** SA has not adopted a clear and coherent integration policy for the integration of foreign nationals in the country's value system and population.
- **Policy objective:** establishment of a secure, strategic & integrated approach for the integration of international migrants into communities.
- **Key proposed and/or ongoing interventions:**
 - ✓ The integration policy applies to all international migrants who are in the country legally and are holders of long-term residence visas and permits.
 - ✓ National strategy for refugee integration in line with the non-encampment policy.
 - ✓ Holders of critical skills visas and qualifying holders of business and study visas will qualify to apply for long-term residence. The granting of such visas will take into consideration family reunification issues.
 - ✓ Mechanisms will be put in place to facilitate provision of social security and portability of social benefits to qualifying international migrants..
 - ✓ Migration advisory services and migration desks at local government level will be established to advise international migrants on services and relevant information .
 - ✓ Enforcement of by-laws by local government.
 - ✓ Establishment of inter-sectoral and intergovernmental institutional machinery with strong coordination and accountability mechanisms.

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8. Management of enforcement

- **Problem statement:** SA has become an attractive destination for illegal migrants who pose a security threat to the economic stability and sovereignty of the country.
- **Policy objective:** reduction of irregular migration and increase compliance with immigration and related legislation and by-laws.
- **Key proposed and/or ongoing interventions:**
 - ✓ A risk-based deportation strategy which will prioritise deportation of high risk over low risk migrants;
 - ✓ Returns agreement with neighbouring countries;
 - ✓ Laying of criminal charges against repeat offenders and those who do not cooperate with deportation notices;
 - ✓ Immigration repatriation centres at provincial level;
 - ✓ Prioritisation of investigation and case flow management of immigration related cases; and
 - ✓ Issuing of marriage clearance certificates prior to solemnisation of marriages that involve foreign nationals.

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DEPORTATION STATISTICS (2012 - 2016)

Caveat: figures represent persons detected and deported – could be larger figures

Deportation statistics for 2012-2016														
Country	2012	%	Country	2013	%	Country	2014	%	Country	2015	%	Country	2016	%
ZIM	38987	38%	MOZ	46273	41%	MOZ	48603	53%	MOZ	12534	33%	MOZ	12213	52%
LSO	26961	26%	ZIM	35251	31%	ZIM	18356	20%	ZIM	11265	30%	ZIM	7434	32%
MOZ	23651	23%	LSO	21339	19%	LSO	14138	15%	LSO	7926	21%	LSO	1050	4%
MWI	8255	8%	MWI	5740	5%	MWI	6823	7%	MWI	3907	10%	SWZ	955	4%
SWZ	2262	2%	SWZ	3089	3%	SWZ	1957	2%	SWZ	896	2%	MWI	844	4%
TZA	1307	1%	TZA	657	1%	TZA	464	1%	TZA	418	1%	TZA	264	1%
NGA	593	1%	NGA	377	0%	NGA	292	0%	NGA	235	1%	NGA	217	1%
COD	218	0%	UGA	149	0%	GHA	97	0%	CHN	60	0%	COD	63	0%
UGA	194	0%	GHA	111	0%	COD	86	0%	UGA	58	0%	ZMB	42	0%
Burundi	165	0%	CHN	93	0%	CHN	85	0%	COD	40	0%	THA	37	0%
Top 10 countries	102,593	99%		113,079	100%		90,901	99%		37,339	99%		23,119	99%
Others	936	1%		475	0%		607	1%		342	1%		335	1%
Total	103,529	100%		113,554	100%		91,508	100%		37,681	100%		23,454	100%
Abbreviations: AGO-Angola; BDI-Burundi; CHN-People's Republic of China; COD- Democratic Republic of Congo; GHA-Ghana; MOZ-Mozambique; LSO-Lesotho; MWI-Malawi; NGA-Nigeria; SWZ-Swaziland; THA-Thailand; TZA-Tanzania ; UGA-Uganda; ZMB-Zambia; ZIM- Zimbabwe														

Abbreviations: AGO-Angola; BDI-Burundi; CHN-People's Republic of China; COD- Democratic Republic of Congo; GHA-Ghana; MOZ-Mozambique; LSO-Lesotho; MWI-Malawi; NGA-Nigeria; SWZ-Swaziland; THA-Thailand; TZA-Tanzania ; UGA-Uganda; ZMB-Zambia; ZIM- Zimbabwe.

Total deported: Between January 2012 and December 2016: **369 726** persons.

On average Mozambique, Zimbabwe and Lesotho nationals account for **88%** of all deportations undertaken between 2012 and 2016.

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Capacity for managing international migration

- The need for a 'whole of government and society' approach for the management of IM is one of the main themes of the White Paper.
- The first theme is that IM policy is cross-cutting and requires an inter-sectoral governance approach for it to succeed.
- The second theme is that DHA needs to be capacitated as the department mandated to lead in the implementation of national policy and administer immigration legislation strategically and professionally.
- Thirdly, at the heart of the argument developed in this White Paper is the proposition that for SA, the cost of a lack of investment in managing international migration is far higher than the cost of building the necessary capacity.
- The capacity of the RSA to manage IM depends to a large degree on the capacity of the state to lead and to coordinate across the three spheres of government: local, provincial and national.

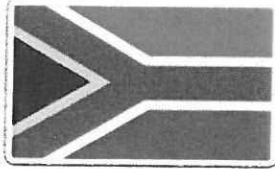
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Ngiyathokoza

Ke ya leboga

Ndi khou livhuha

Dankie



Thank you

Ke a leboha

Inkomu

Ndiyabulela

Ngiyabonga

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