

**WEST AFRICANS IN CAPE TOWN: IMMIGRATION AND STRUGGLES OVER
DOCUMENTATION, 1994-2016**

BY

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DECLARATION

I declare that, *West Africans in Cape Town: Immigration and Struggles over Documentation, 1994-2014*, is my own work, that has not been submitted for any degree or examination in any university, and that all the sources that I have used or quoted have been indicated and acknowledged by complete reference.

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DEDICATION

This study is dedicated to my wife Tina Ambe and my children for their enormous sacrifices.



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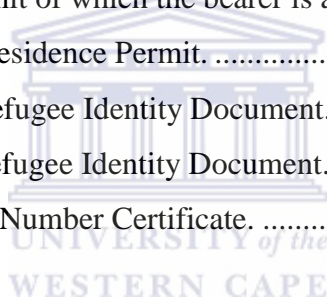
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ABSTRACT

International migration has been a growing phenomenon in the West African community from the late 1960s as the colonial period came to an end and most West African countries gained their independence. During this period this migration trend was essentially from West Africa to Europe facilitated by the relationship that existed between West African states and their former colonial master. In the 1990s Western countries started restricting immigration by applying stricter immigration laws. West Africans who could not make it to the West sought alternative destinations like South Africa where the apartheid regime had just come to an end and the first elected democratic government had been installed in 1994. West Africans in South Africa are mostly economic immigrants and as South Africa's immigration policies changed this group of people faced challenges to acquire the documents required to legalize their stay in the country. This study seeks to analyze why West Africans chose to immigrate to South Africa and specifically Cape Town, their struggle for documentation and the extent to which the possession or non-possession of the correct documents affected their lives in Cape Town. It drew on interviews with Nine West Africans to try and understand this.

The study found out that the main reason for West African immigration to South Africa after 1994 was because of the fall of the apartheid regime and the coming to power of the ANC government which re-established diplomatic and economic relations with most West African states. Countries in the West African region were faced with crisis in the 1980s as a result of policies that were implemented in the pursuit to address the ills of colonialism. As the economies of most of these countries declined, most West Africans were faced poverty and became desperate. In their quest for a better live West Africans embarked on immigrating to more developed and affluent countries. Initially they were immigrating to the countries of their colonial masters but with time as more people were immigrating, other destinations in Europe and North America became sought after. Restrictive immigration policies in these countries forced West African to look for new destinations to go to. They found that in South Africa after 1994. Apart from the economic crisis in the West African region, poor governance, corruption, political suppression and tribalism served as push factors in contributing to the immigration of West Africans to South Africa. As pull factors, the reliance on kinship played an important part in most West Africans who immigrated to South Africa. Many of them relied on the friends and family who were resided in South Africa for information, directions and support to make the journey and eventually join them

were they are based. The picture and information that the mass media projected about South Africa also had a huge impact on the perception people had about the country. These perceptions contributed to the decision of West Africans to immigrate to South Africa.

This study explored the range of visas West Africans sought to enter the country. It found that the visa they chose to apply for was not necessarily the real purpose of their visit but was the most convenient. This allowed them entry into the country and once in they sought other visas and permits to legalise their stay. This study found that it was a long hard journey to convert asylum permits to refugee permits. Further the struggle over documentation was mainly because of the logistical shortcomings of the Department of Home Affairs. This study argues that it is the Department of Home Affairs that renders many of them illegal due to delays in processing the permits. While they waited for documents, the lives of applicants were full of insecurity and there were difficulties in making a living. The informal sector provided one avenue for some. This thesis argues that applicants were desperate for the correct documents but even though they eventually acquired them these did not necessarily open up opportunities.



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INTRODUCTION

Migration has and will always play a vital role in global socio-economic and political dynamics. William Minter states that:

People have been on the move throughout human history. The ancestors of all of us adapted to changing climate and diverse conditions within Africa, our common continent of origin. Wars, famine and other hardships have impelled countless migrations over land and sea. From the 16th through the 19th century, the transatlantic slave trade caused the most brutal of displacements. Today, as the global economy drives global inequality, movement across borders, as well as with countries, has reached unprecedented levels. Africa is no exception to this trend. Migration intersects with almost every other issue affecting the continent, both creating opportunities and contributing to crises. Highly skilled African professionals are now part of the global job market.... Both political refugees and economic migrants go south to South Africa, north to Europe, across the Atlantic, and increasingly to Asia as well. Immigration issues, often with sharply racial overtones, are hotly debated in every part of the world, with African immigrants prominently featured particularly in Europe and in South Africa.¹

In a similar tone, Robert and Hunter draw our attention to the fact that ‘Migration is an integral part of the history of mankind. From the treks of nomadic tribes to the mobility of corporate managers, the search for a new geographic location to satisfy the sustenance needs of millions of individuals, families and whole communities has made mobility a subject of increasing study?’²

This is quite evident as increasing globalisation is also changing the perceptions of people about migration, a view which is supported by Thomas Nail who argues that the twenty-first century is the century of the migrant. His justification is drawn from the fact that there are more than one billion regional and international migrants globally at the turn of the twenty-first century, a figure which is more than ever recorded in history.³ The quest to satisfy the desires and needs of humanity is what pushes people to leave where they are

¹William Minter, *African Migration Global Inequalities and Human Rights*. Current African Issues 48 (Afrikainstitutet, Uppsala 2011), 10.

²Robert N. Thomas and John M. Hunter, *Internal Migration Systems in the Developing World: with Special Reference to Latin America* (Cambridge, Massachusetts, Schenkman Publishing Co., 1980), 3.

³Thomas Nail, *The Figure of the Migrant* (Stanford University Press, Stanford, California, 2015), 1-2.

resided to where they perceive they will gratify their aspirations. This is the case with the West Africans on whom this study is focused.

Migration within and outside the West African region

West Africa as a region demonstrates common and similar characteristic and phenomenological trends in the migration experiences of its people. This region as elucidated by Aderante Adepoju has been characterised by various types of migrations caused by factors ranging from ‘population pressure, poverty, poor economic performance and endemic conflicts.’⁴ Though not prevalent in the region, natural disasters have also contributed to migration in and from West Africa. This view is acknowledged by Joseph Yaro, who looks into the effects and impact of drought as well as other factors like long distance trade, the search for pasture, urbanisation and the growth of administrative centres, the demands of mining, industrial production and plantation agriculture on West African migration.⁵

We are confronted with a West African region whose migration history is shared and replicated amongst the various countries in the region. When one reflects on the history of West Africa, human mobility of entire tribes, clans, families and individuals can be seen as an instituted tradition fostered by the above mentioned factors in the migration experience of the people of the region for ages.

The pre-colonial period in this region saw a migratory pattern that was based on drivers like agrarian pursuit, trade and forced displacement by natural disasters and inter-tribal conflicts. The geographical territories known today as Nigeria, Ghana, Senegal and Cameroon, as well as other West African states, were occupied by different kingdoms and empires, comprising people of various ethnic groups and origins during the pre-colonial period. Certainly these kingdoms and empires were separated from each other territorially and these demarcations, although not well defined, were based on tribal, racial and customary penchant.⁶ The migratory trends during this period in the region were mostly dependent on push factors like slave raiding, slave trade and inter-tribal conflicts and wars. There was also

⁴Aderante Adepoju, *Migration in West Africa* (Human Resources Development Centre Lagos, Nigeria.2005), 1.

⁵Joseph A. Yaro, *Migration in West Africa: Patterns, Issues and Challenges* (Centre for Migration Studies, University of Ghana, 2015), 1-6.

⁶Adejumoke A. Afolayan et al, *Dynamics of International Migration in Nigeria* (Department of Geography University of Ibadan, Ibadan Nigeria, 2008), 6

legitimate trading between people of the various kingdoms and also the influential Trans Saharan trade which accounted for voluntary movement of people.⁷

The colonial period came with dynamic changes in the political and socio-economic structure of West Africa. As the colonial masters partitioned the region amongst themselves, so did demarcations occur in the form of arbitrary lines dividing the territory into different states with national boundaries to facilitate the administrative work of the colonial regimes. The activities of the colonial administration which was based on an export oriented political-economic policy, saw the exploitation of raw material and the establishment of plantation agriculture of goods destined for overseas countries and markets. It necessitated the development of transportation networks which facilitated the movement of goods and people to feed the labour intensive plantations, mines and construction works initiated by the colonial regimes. All these with relatively stable governments and monetized economies,⁸ paved the way for urbanisation and cosmopolitanism as migration patterns in the region became mostly of a rural-urban and transnational nature.⁹

During the period of independence, despite the borders inherited from the colonial regime, there was increased migration within the region as there was a multiplication of destination areas resulting from the expansion of cash crop production in countries like Ghana and Ivory Coast known for cocoa and coffee production. There was plantation agriculture based on crops like rubber, banana and palm oil in countries like Cameroon. Senegal was renowned for the production of groundnuts. The exploitation of raw material and mineral in the region also saw the development of subsidiary industries which also attracted migrants to the region.¹⁰

As countries in the region gained independence, there was need to fill the administrative structures with qualified civil servants, administrators and technicians and with it developed the movement of people from these countries to the shores of their former colonial masters for training and formal education. During this period one could find many

⁷ Ibid, 6-7.

⁸ Ibid, 9.

⁹ Due to colonialism and for administrative purposes, the colonial masters partitioned the areas they colonized amongst themselves, resulting to artificial boundaries which eventually became national territories and states. A situation which till date created the separation of people belonging to the same tribe and clan.

¹⁰ Adama Konseiga, 'New Patterns of Migration in West Africa', *Stichproben. Wiener Zeitschrift für kritische Afrikastudien* Nr. 8, 2005, 24.

Nigerians and Ghanaians in the United Kingdom and those from the former French colonies like Senegal and Ivory Coast in France, a pattern built on the colonial concept which became the basis of south- north migration in the West African region.¹¹

The 1980s in West Africa, as in most African countries which got their independence in the 1960s, was a period where these countries were experiencing severe economic crisis which contributed to a major change in the migration patterns in the region. South- south migration started declining as most of the receiving countries in the region had lost their economic viability, a situation which was made more difficult by the Structural Adjustment Programmes and policies of the World Bank and the International Monetary Fund. With an industrialised Europe seeking to meet her labour requirements and with a West Africa plagued with economic crisis and unemployment, the 1980s saw the enhancement of a south-north migration pattern which was initially based on colonial ties. As the economic woes of these countries worsened so was the growing need for people to emigrate from the region. Most of the West Africans who were already in Europe and the West for various reasons during this period, never saw the need to return home to an economic stricken country, they found a new home in these countries and through the remittances they ploughed back home and also personal developmental projects, their immediate families and even entire communities benefited from them. Living and working in these European countries during this period became the dream of many young West Africans who found it as a means to escape the economic demise of the region.

The increased flow of immigrants into Europe, not just from Sub-Saharan Africa alone, saw European countries implementing and adopting stricter and tighter immigration policies and laws. These restrictions led to new immigration trends as people started seeking new destinations with lesser restriction and easier access. West African migrants drifted from their reliance on their former colonial masters to new destinations like Germany, Spain, Italy, the Scandinavian countries, North America and Canada. Demographically, most European and American countries had an aging population during this period and thus the need to boost its work force, a situation which could be held accountable for contributing to the ‘brain

¹¹Erik Bleich, ‘The Legacies of History? Colonization and Immigrant integration in Britain and France’, *Theory and Society*, Vol. 34, No. 2, April 2005, 171-195

drain' and 'bush falling' phenomenon¹² which became common in the West African region. Rey Koslowski argues that the aging European population created a void in the labour force that saw temporal labour being solicited from former European colonies in the 1960s and the 1970s. He states that this trend was followed by co-ethnics of those immigrants who came before and also asylum seekers in the late 1980s and 1990s.¹³

The 20th century saw a Europe where many of the countries were struggling economically and unemployment rose to levels which had not been experienced for decades. In countries like Greece, Spain, Italy and a host of other European countries with struggling economies, restrictive immigration laws became one of the main policies in tackling the issue of unemployment. Apart from the ailing economies of these western countries, there was also the 'war against terror' which evoked what Kitty Calavita has described as the 'European fortress', which was the increase in control of the external borders of Europe, a situation which was not so different from the case of North America.¹⁴ This period was also characterised by tremendous growth in the economies of Asian countries like China and South Korea, in Middle East countries like Saudi Arabia, Dubai and Qatar. On the African continent there was South Africa which had attractive possibilities. These regions became new sought after destinations for West African immigrants who could not find entry into Western countries.

South Africa as an attractive migration hub after 1994

Before 1994, the apartheid regime in South Africa had in place restrictive immigration policies based on the 1913 Immigration Act which was later amended in 1930 and 1937 and on which the 1991 Alien Control Act was structured. These policies were designed to encourage and accommodate white immigration while restricting that of other races into the country. Though the policies were to restrict the immigration of people especially from other African countries, the labour intensive farms and mines needed cheap

¹² The bush falling phenomenon is the idea of people immigrating to developed and affluent countries for the purpose of seeking a better life for themselves and their family. See chapter one for fuller explanation.

¹³ Rey Koslowski, 'Immigration, Border Control and Aging Societies in the European Union', *The Brown Journal of World Affairs*, Vol. VIII, Issue 2, (Winter 2002), 171-174.

¹⁴ Kitty Calavita, 'Immigration, Law and Marginalization in a Global Economy: Notes from Spain', *Law and Society Review*, Vol. 32, No. 3 (1998), 529.

labour from neighbouring countries like Lesotho, Swaziland Mozambique and Malawi.¹⁵ To achieve this objective the government encouraged and adopted a system which was known as the ‘two-gate policy’. Aurelia Segatti explains that:

Most of the 20th century was characterized by the progressive consolidation of a system known as the “two-gate policy.” The front gate welcomed people who corresponded to the criteria of attractiveness defined by the governing minority. The back gate served a double function, preventing unwanted migrants from entering and allowing cheap and relatively docile labour in for temporary periods. Closely connected to the grand apartheid scheme, notably its homelands policy, this system blurred the lines between citizens and foreigners in a way achieved by few other societies.¹⁶

Substantiating this argument, Brij Maharaj explains further that ‘The apartheid government subtly encouraged or turned a blind eye to clandestine migration in order to ensure an abundant supply of cheap labour, but was opposed to black migrants applying for citizenship’.¹⁷ This was the basis of the ‘two gate policy’.¹⁸

With such policies by the apartheid regime, South Africa was not an appropriate destination choice for most immigrants on the African continent, especially those from West Africa whose governments had little or no diplomatic relations with the apartheid regime and, as part of measures and sanctions against the apartheid government, placed a travel ban on their citizens from travelling to South Africa. In some of these countries, Cameroon for example, it was spelt out in the passports that people could travel everywhere other than the Republic of South Africa (See Figure 1).

¹⁵Fion de Vletter, ‘Recent Trends and Prospects of Black Migration to South Africa’, *The Journal of Modern African Studies*, Vol. 23, No. 4, 667-702.

¹⁶ Aurelia Segatti, ‘Reforming South African Immigration Policy in the Post-apartheid Period (1990–2010)’ in Aurelia Segatti and Loren Landau (eds), *Contemporary Migration to South Africa* (Africa Development Forum, 2011),34.

¹⁷Brij Maharaj, ‘Economic refugees in post-apartheid South Africa – Assets or liabilities? Implications for progressive migration policies’, *GeoJournal* 55, (2001), 48.

¹⁸Jonathan Crush, *Clandestine Migration, Temporary Work and Immigration Policy in South Africa*, (Migration Policy Series No 1, Institute for Democracy in South Africa, Cape Town, 1997), 10-14.

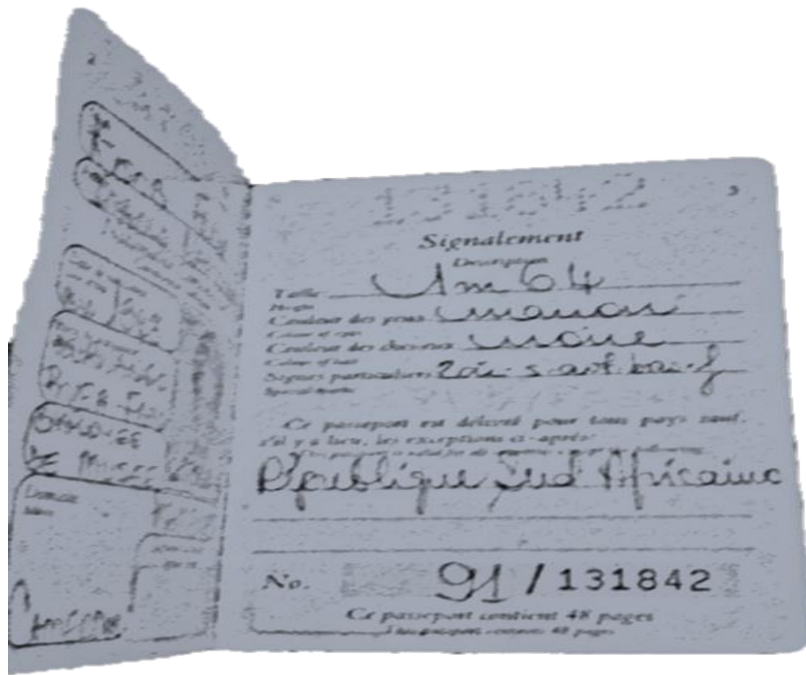


Figure 1 : A sample of a Cameroonian Passport issued before 1994 which forbids the bearer from travelling to South Africa.

With the increasing isolation of apartheid South Africa from the international community through economic sanctions and pressure to transform apartheid practices, the government of F. W. De Klerk in the 1990s amended its immigration policies through the 1991 Alien Control Act. The Act was an attempt to break from past immigration practices as well as unifying all immigration laws since 1937, a reflection of what Segatti referred to as ‘preparing for tomorrow’s transformation with yesterday’s tools.’¹⁹ The Act led to a trickling of immigrants from the rest of Africa, especially those with skills, into the Homelands. But it did very little to serve as an impetus for ‘non-white’ immigrants through sections of the Act like section 55 which stated that:

No court of Law shall have any jurisdiction to review, quash, reverse, interdict or otherwise interfere with any act, order or warrant of the Minister, an immigration officer or master of a ship performed or issued under this Act and which relates to the restriction or detention, or the removal from the Republic, of a person who is being dealt with as a prohibited person.²⁰

¹⁹Segatti, *Reforming South African Immigration Policy in the Post-Apartheid Period (1990–2010)*, 37

²⁰Aliens Control Act 1991. National Legislative Bodies, 1 October 1991, 31.

Section 55 clearly gave those in charge absolute authority to determine and to decide on the fate of immigrants, decisions which these immigrants or any judicial institution could not contest. There was also section 57 of the Act which spelt out what the Act stipulated about people who aided or attempted to aid illegal immigrants to enter, remain or work in the country.²¹ This section of the Act also made it difficult for immigrants to find entry into the country or seek assistance for illegal entry.

As the world celebrated the coming to power of South Africa's first democratic elected government in 1994, there was anxiety and anticipation especially from the African continent as to how liberation from apartheid would manifest in South Africa's relationships vis-à-vis the rest of the continent and the world at large. With the most advanced economy and with a constitution which stood out as one of the most liberal on the continent, the perception of many Africans and people under subjection in other regions of the globe was that South Africa would definitely be an iconic place to live and invest in. The charisma of the country's first elected president, Nelson Mandela, also contributed to make South Africa a new migration hub through the policies of reconciliation which the government pursued in building a new South Africa as opposed to anticipated revenge policies towards the institutors and propagators of the apartheid system. Diplomatic and economic relations between South Africa and the rest of the world improved tremendously after 1994 easing the way for the movement of goods and people to and fro in volumes and destinations never experienced during apartheid. At a period when Europe and other Western countries were putting in place stricter immigration laws and policies to restrict migrants, South Africa became a more and much sought after destination for most West African immigrants.

West African immigrants in Cape Town came into the country through other ports of entry other than Cape Town itself. Most of them came in through Johannesburg but with time they moved to Cape Town where they believed life was more suited to them. West African immigrants tended to live in urban and cosmopolitan areas where it was easy and possible to pick up jobs in the entertainment and hospitality industries and also where small businesses could thrive and were easy to start up. The major South African cities experienced transformation in many dimensions as most of the discriminatory apartheid laws were gradually removed. People of all races could eventually explore the opportunities and spaces

²¹Ibid, 32.

in urban areas. Johannesburg was not only the economic heartbeat of South Africa but was strategically the major port of entry and a transit zone for people who were coming into the country after 1994. The city attracted not only immigrants from the African continent but saw more previously disadvantaged South Africans moving into the city in pursuit for a better life. It was a similar scenario in other cities like Durban and Cape Town. Johannesburg became increasingly populated making it difficult for many new comers into the city to survive. This situation was made more difficult for immigrants by the manner in which immigration and police officers targeted them by unconventionally rendering them illegal and undocumented. Cape Town was more receptive to West African immigrants. Immigration and police harassments when it came to issues of documentation were not rampant. It was rare to see immigrants rounded up and repatriated. These factors coupled with the fact that the bylaws of the city made it easy for immigrants to easily gain access to informal trading, made it an attractive place for most immigrants from West Africa.

With increased globalisation and technological advances, the life of human beings in every aspect of existence and even after death has become increasingly depended and directed by documentation. From a global perspective, it is not only the governments and states institutions which rely on documentation for administrative purposes, but also the private sector. Changes in South Africa's immigration trend after 1994 effected changes in the documentation of immigrants.

Research question and aims of study.

The study seeks to investigate why West Africans in Cape Town came to South Africa and their struggles to obtain the necessary documentation, which permitted them to work, study and stay in the country. It further examines the impact of the documents issued to these immigrants and their ability to study or work as well as access various services in the communities where they found themselves. The thesis thus seeks to evaluate what place documentation has in the immigration experience of West Africans in South Africa.

There is a growing West African community in Cape Town as well as other major cities in South Africa despite the adversities faced by these immigrants. Xenophobia and the struggles of these immigrants to obtain relevant documents to facilitate their stay in the country has done very little to repel people from that part of the continent to travel to South

Africa in search for a better life. It is an established fact that most West African immigrants globally, are economic migrants. The post-colonial period gave birth to what has come to be known as the bush falling phenomenon in West Africa, where emigrating for the purpose of searching for a better life in more affluent countries and regions became the aspiration and dreams of many young people. Initially Europe and North American countries were the places these people immigrated to until restrictive immigration measures and policies by these developed countries made it difficult for them to find travel. Despite these restrictive measures West Africans still relentlessly seek means and avenues to travel to these countries. As Europe and North America built 'fortresses', there was the need to explore other avenues which were found in Asia, the Middle East and post-apartheid South Africa. South Africa after 1994 was a migration hub, appealing not only to West Africans but to many on the continent and the world at large.

The influx of people into South Africa eventually led to the implementation of policies to control the number of people that migrated into the country. These restrictive measures and policies adopted by the South African government has done little to discourage West African migrants from travelling to South Africa, as was the case with Europe and North America. It is these restrictive policies and practices that have in many ways made it difficult for Most West African in Cape Town and South Africa in general to struggle in securing the necessary documents needed to legalise their stay in the country. In a documentary state like South Africa, the possession of legal documents of identification and permission to be in the country is a prerequisite for the livelihood and welfare of most immigrants. The difficulty in obtaining these documents has adverse effects on these immigrants who are quite often bound to turn to corruption and other unconventional means to obtain them. For the sake of state security and crime prevention, it is also pertinent for people to be documented as it is easy for undocumented individuals to evade the justice system. It would be reasonable to expect the government to grant every immigrant legal status, but one would expect the government to extend the permits of immigrants and also process and adjudicate over applications for legal documents by immigrants within a time frame that does not cause despair or frustration. We will find that restrictive policies and administrative backlogs have not done much in discouraging West Africans from immigrating to South Africa and Cape Town.

LITERATURE REVIEW

Migration has been and is still an important aspect of the evolution of mankind, which accounts for the huge interest shown by scholars and the vast literature on this topic.²²

The literature review covers how migration has been conceptualised globally and how it has been an integral part of human existence. Migration within and from West Africa forms an important part of the literature as much has been written about the migratory patterns within and outside the region based on involuntary and voluntary movement of people. Works on immigration and immigration policies in major immigrant receiving countries and South Africa are considered below. In addition, the literature on state documentation practices which has seen some growth in South Africa is reviewed.

The first body of literature revolves around migration, linking it to West African migration with specific studies on Cameroon. The law of migration as seen from the perspective of Ravenstein, is the movement of people from one region to another as a result of push factors (from the emigrating area) and pull factors (in the immigrating area). While acknowledging the fact that there migration is the effect of several factors, he emphasises that major cause of migration is economic. The push factors are negative migration drivers made up of natural disasters such as droughts, flooding, volcanic eruptions, earthquakes, and man-made causes like wars, religious and political suppression, repressive laws, poverty and a host of other factors. The pull factors on the other hand are seen as the positive aspects like stable and advanced economies, employment opportunities, and technological advancement.²³ Ravenstein concludes that although these pull and push factors are contributors to migration, the main motivator is the human desire for a better life. He states that, 'bad or oppressive laws, heavy taxation, an unattractive climate, uncongenial social surroundings, and even compulsion (slave trade, transportation), all have produced and are still producing currents of migration, but none of these currents can compare in volume with that which arises from the desire inherent in most men to "better" themselves in material

²²Robert N. Thomas and John M. Hunter, *Internal Migration Systems in the Developing World*, 3.

²³E. G. Ravenstein, 'The Laws of Migration', *Journal of the Royal Statistical Society*, Vol. 52, No. 2 (Jun., 1889), 241-305. Ravenstein's law of migration which he formulated and published between 1876 and 1889 states that, The majority of migrants move only a short distance in any one migration, each current of migration produces a counter current, females are more migratory than males within the county of their birth but males more frequently venture beyond that county boundary, migrants moving long distances generally go by preference to the great centres of commerce or industry, the natives of towns are less migratory than those of rural areas, migration increases as industries and commerce develop and transport improves and that the major cause of migration is economic.

respects'.²⁴ His argument is supported by the fact that a number of people migrate to the oil rich regions of the Middle East even with its harsh desert climatic conditions.

Adepoju Aderanti has argued that the major cause of voluntary migration, both national and international is based on the growing disparity in development within and among states and regions and even continents. He also emphasises the role of natural disasters, wars, political and religious persecution in the migration experiences on the African continent.²⁵ William Minter makes a similar argument about unequal development as a factor for migration. He argues that disparity in economic development globally accounts for one of the fundamental causes of national and international migration as people seek to enhance their financial and economic wellbeing.²⁶

While acknowledging the traditional push-pull model which accounts for migration of people in general, on which Aderanti's argument is mostly based, Adeyanyu and Oriola attempt to explore what they call 'the phenomenon of bifurcated social identity of African migrants and their efforts to reinvent and deconstruct a certain image of self in their everyday life'²⁷, as a very important factor that contributes to contemporary voluntary migration of most Africans to the West. The bifurcated social identity of African migrants is the image most immigrants present and paint to their peers and those in their homelands about their life and welfare in the countries they find themselves, which quite often gives the impression of wealth and pleasure whereas many of them are actually struggling. Minter expounds on the idea that between the 16th and 19th centuries, there was international migration from the West African region but it was mostly involuntary in nature based on the forceful displacement of people as a result of the trans-Atlantic and trans-Saharan slave trades. He explains how today these people are no longer forced to immigrate but they do so voluntarily in the quest for a better life.²⁸ Adeyanyu and Oriola argue that in the attempt by African immigrants in the West to conceal the experiences they go through from their peers in home societies by presenting a life of glamour, they serve as a major motivation for aspiring immigrants, a process which is

²⁴ Ibid, 287.

²⁵ See Adepoju Aderanti, 'Linkages between Internal and International Migration: The African Situation', *International Social Science Journal*, Vol.50, Issue 157, (Sept. 1989), 387 – 9.

²⁶ William Minter, *African Migration*, 28-29.

²⁷ Charles T. Adeyanyu and Temitope B. Oriola, 'Colonialism and Contemporary African Migration: a Phenomenological Approach', 42(2), (2011), 943.

²⁸ William Minter, *African Migration*, 29.

encouraged by the subjectivity of Africans through colonial discourse and the impact of mass media.²⁹

In much of the literature on West African international migration, the colonial discourse is projected as the main cause and source of this migration trend. Amin and Forde explore how European colonisation of Africa and West Africa, in particular, brought about political, economic and demographic changes which in effect accounted for developmental disparity. They elucidate how European colonial masters in their quest to rule and control their colonies sought assistance from people whom they trained, educated and inculcated with Western values who became the elites to whom the administration of these West African countries was handed when they became independent. Though these countries became independent, the umbilical cord with their colonial masters stayed intact which facilitated easy movement from these West African countries to those of their colonial masters, prompting in the late 1960s and 1970s a trend of West African immigration into Europe.³⁰ Emmer and Lucassen provide an interesting analysis of international migration in the nineteenth century, where during this period it was Europeans who immigrated to other continents exploring and colonising them. They argue that the Second World War and decolonisation saw a reversal of this trend as people from other continents migrated in large numbers to Europe.³¹

Hein de Haas, in a study conducted on irregular migration from West Africa to the Maghreb countries, found out that few West Africans of the total number who migrated to the Maghreb countries embark on the journey through the Mediterranean to get to Europe. “This clearly counters views that reduce North Africa to a transit zone.”³² His main argument is that West African immigration to Europe still follows colonial patterns.³³

Apart from the general histories on West African international migration, studies have been carried out on what has come to known in the West African region and Cameroon in

²⁹Ibid, 944

³⁰See Samir Amin and Daryll Forde, *Modern Migration in West Africa* (International African Institute, Oxford University Press, 1974), 3-120.

³¹C. Emmer and Leo Lucassen, *Migration from the Colonies to Western Europe since 1800* (Mainz Insitut Fur Europaische Geschichte, 2012), 1-19.

³²Hein de Haas, *Irregular Migration from West Africa to the Maghreb and the European Union: An overview of recent trends*. (International Organization for Migration, Geneva, 2007), 49.

³³ Ibid, 8-64.

particular as the ‘Bush falling’ phenomenon. Asana and Ngwa, conducted research on 40 West African immigrants in Europe and North America from March 2003 to December 2006 to find out the fundamental causes of the bush falling phenomenon in West Africa. Their findings proved that push factors such as unemployment, political suppression, tribal conflicts, poor governance and intense corruption, coupled with pull factors in Europe and North America of better paying jobs and strong currencies, better standards of living, and more advanced and better training and educational institutions were the fundamental reasons for this trend of migration. They found out that what they termed the ‘Ignorant Perceptions’ (IP factors) also had a great role to play.³⁴

Michaela Pelican, Peter Tatah and Basile Ndjio conducted research from July to September 2007 in Cameroon investigating the paradigmatic shift of West African international immigration to Europe and North America, to alternative destinations in Africa, Asia, the Middle East and some South American countries. Their study reveals that as stricter immigration laws made it difficult for people from West Africa to travel to Europe and North America; these alternative destinations became more appealing.³⁵ Annett Fleisher’s study shows how with stricter European immigration laws Cameroonian immigrants in Germany exploited clauses in the German constitution like the marriage to a German spouse, giving birth on German soil, and seeking asylum to secure the right to work and live in Germany.³⁶

Emphasising the role and importance of networks in the immigration experience of West Africans in Europe, Saskia van Ooijen conducted a study on the stories of fifty-four migrants from West Africa in Catalonia, Spain, for a period of four months of ethnographic fieldwork in 2015. His study proved that it was easy for those who had established contact with other immigrants in Spain and Europe to easily gain entry that those who did not depend on such networks. These networks assisted especially those who were coming in clandestinely on how to navigate and avoid possible arrest and eventual deportation.³⁷

³⁴See Lydia Asana and Wilfred Ngwa, *From Dust to Snow: The African Dream?* (African Renaissance Ambassador Corp. December 2006), 2-36. (IP factors are the affluent images created by the mass media about Western countries and the false picture of glamour painted by African immigrants about their experiences and wellbeing in the West which are perceived by many as true and real).

³⁵M. Pelican, P. Tatah and B. Ndjio, ‘Local Perspectives on Transnational Relations of Cameroonian Migrants’, *African Sociological Review*, Vol. 12, 2008, 117-127.

³⁶See Annett Fleischer, *Making Families among Cameroonian ‘bush fallers’ in Germany: Marriage, Migration and the Law*, (Unpublished PHD), 10-223.

³⁷Saskia van Ooijen, *Hustling your way forward. A study on the trajectories and social networks of*

South Africa has for decades evoked huge interest from scholars across the globe concerning issues of migration and immigration and there is a growing literature on these topics. The multi-racial nature of the country reflects a rich history of migration and immigration which could be traced to the 17th century. Works by Morris and Bouollon,³⁸ as well as Audie Klotz explain why immigration to South Africa before the 1990s was typically a white phenomenon drawing on the Immigration Regulation Act of 1913 which favoured white immigration and restricted that of other races. Klotz states that it was only in the mid-1980s that the dominant white immigration phenomenon saw a change as professionals from other African countries started relocating to the homelands. There were few or no immigrants from West Africa living in white South Africa before the 1990s.³⁹ Aurelia Segatti argues that in 1986 the Botha regime amended the immigration law to allow non-white immigration as part of its reform policies motivated by South Africa's increasing isolation by the international community. She explains how a system known as the 'two-gate policy' was used by the apartheid regime in the most part of the twentieth century to attract white immigrants and restrict other races while still allowing the entry of the much needed cheap labour.⁴⁰

Segatti also describes how from 1990 – 2000 South Africa became a new global immigration hub, attracting immigrants mostly from other countries on the African continent, Bangladesh, China, Eastern Europe and Pakistan. She explains immigration to South Africa during this period as a result of political changes which came with the end of apartheid and the simultaneous stricter immigration laws and control into Europe and North America.⁴¹ Brij Maharaj provides a brief history on migration of migrant workers from other parts of Africa to South Africa before 1994. His argument is based on the fact that the 1913 Immigration Regulation Act which was amended in 1930 and 1937 and on which the 1991 Aliens Control Act was based, supported South Africa's racially exclusive immigration legislation which accommodated white immigration and restricted that of other races into the country. But with the country's reliance and dependency on cheap migrant labour from other

West African migrants moving towards and within the European Union (MA Thesis , Radboud University Nijmegen, Nijmegen, June 2016), 9-46.

³⁸See Alan Morris and Antoine Bouollon, *African Immigration to South Africa: Francophone Migrants of the 1990s* (Protea Book House, 2001).

³⁹Audie Klotz, 'Migration after Apartheid: Deracialising South African Foreign Policy', *Third World Quarterly*, Vol. 21 No 5, 831.

⁴⁰Aurelia Segatti and Loren Landau (eds), *Contemporary Migration to South Africa* (Africa Development Forum, 2011), 34.

⁴¹Ibid.

countries in Africa to service the mining and agricultural industries, the government encouraged clandestine migration while opposing the application of black migrants for temporary or permanent residence. According to Maharaj, the end of apartheid saw the government seeking global integration and this came with more relaxed restrictions at its fortified boundaries allowing the entry and circulation of people, goods and services. South Africa became a sought after destination.⁴² Karen Jacobson brings forth two phenomenon which she thinks accounts for post-apartheid immigration from other countries to South Africa. Her opinion is that with stricter immigration restrictions in Europe, South Africa became an alternative destination. There is also the fact that South Africa's economy is the most advanced on the continent making it an attractive destination.⁴³

Sally Perbedy who has written widely on South Africa's immigration policies⁴⁴ more recently looks at how state discourses and exclusionary immigration policies of the post-apartheid democratic regime appears to be in contradiction to the democratic commitment of inclusiveness of all that live in the country that the constitution upholds. She explains how impervious immigration policies have been after 1994 to the state's commitment to 'inclusivity, diversity, human rights, and forging and fostering ties with the region and the rest of Africa.'⁴⁵ Perbedy focuses on how the 1991 Aliens Control Act exemplified a biased piece of legislature not favourable to black immigrants. The changes that have been enacted have been to control immigration through a national computerised system and legislative amendments like the amendment of the 1991 Aliens Control Act in 1996 (Act No. 76) and 1996 (Act No. 32). The 1996 amendment was to control immigration as all applications for immigration and work permits had to be made from out of South Africa, to prevent people from using visitors' visas to look for work. Large amounts of non-refundable payments had to be made for application of permanent and temporary residence permits.⁴⁶

As the post-apartheid government grapples to adhere to the democratic principles which its constitution upholds, there is increasing pressure to control and manage the influx

⁴²Brij Maharaj, 'Economic Refugees in Post-Apartheid South Africa, 47-57.

⁴³ Karen Jacobson, 'Migration within Africa: The View from South Africa', *The Fletcher Forum of World Affairs*, Vol. 31: 1 (Winter 2007), 203– 204.

⁴⁴Sally Perbedy, *Selecting Immigrants: National Identity and South Africa's Immigration policies 1910 – 2008*. (Johannesburg: Wits University Press, 2008).

⁴⁵Sally Perbedy, 'Imagining Immigration: Inclusive Identities and Exclusive Policies in Post-1994 South Africa' in *Africa Today*, Vol. 48, No. 3, (Autumn, 2001), 15-17.

⁴⁶Ibid, 15-29.

of migrants into the country. Steven L. Gordon has argued that the new regime does not actually have a clear cut vision and policy. He further contends that debates on legal instruments on the control of immigration have most of the time not succeeded in resolving the problem of immigration.⁴⁷

Robert Matte, Jonathan Crush and Wayne Richmond have argued that immigrants are seen as a threat to the economic and social interest of the country.⁴⁸ However, Vivence Kalitanyi and Kobus Visser, conducted an empirical study in 2007 on job creation for South Africans by African immigrant entrepreneurs engaging some 120 African immigrant entrepreneurs in Cape Town. Their findings revealed that 80 per cent of those interviewed employed South Africans in their businesses, a situation which does not reflect the negative national perceptions that immigrants are job takers.⁴⁹

Jonathan Klaaren and Jaya Ramji, describe and investigate how in its quest to regulate and control immigration into South Africa (specifically black immigration), the post-apartheid government has constructed its immigration policies based on the Immigration Acts that were put in place by the apartheid regime. They argue that very little has been done to change the 1991 Aliens Control Act, and what changes have been made have been to step up control and restriction on immigrants.⁵⁰

Caroline Kihato contributes to the growing literature on the role of women in the immigration experience in her work 'Invisible Lives: Inaudible Voices'. In a study she conducted on migrant women in Johannesburg after 1994, she found that most of women her interviewees who were from sub-Saharan African countries exhibited agency in their migrating experiences as oppose to the traditional conception that women have always been victims in the immigration process and immigration has been masculinised.⁵¹

⁴⁷Steven L. Gordon, 'Migrants in a State of Exception', *Transience Journal*, Vol. 1, No 1 (2010) 7-8.

⁴⁸See Robert Matte, Jonathan Crush and Wayne Richmond, 'The Brain Gain: Skilled Migrants and Immigration Policy in Post-Apartheid South Africa'. In Jonathan Crush (ed.) *Migration Policy Series* No 20, (Idasa, Cape Town and Queen's University, Canada, 2000), 6-29.

⁴⁹See Vivence Kalitanyi and Kobus Visser, 'African Immigrants in South Africa: Job Seekers or Job Creators?' *SAJEMS NS 13*, No. 4(2010).

⁵⁰Jonathan Klaaren and Jaya Ramji, 'Inside Illegality: Migration Policing in South Africa after Apartheid', *Africa Today*, 2000, 35-45.

⁵¹Caroline Kihato, 'Invisible Lives: Inaudible Voices? The Social Conditions of Migrant Women in Johannesburg', in N. Gasa, (ed.), *Women in South African History: Basus 'imbokodo, bawel'imilambo/They Remove Boulders and Cross Rivers* (Cape Town: HSRC Press, 2007), 397-417.

Documentation plays a very important role in the immigration process and experience. These documents are generated through registration or identification processes for the state to know and control people for administrative purposes. There has been a recent growth in the focus on documents needed for travel and residency in South Africa. The recent issue of *Paper Regimes* edited by Uma Dhupelia-Mesthrie is significant in raising questions about documents issued by the state in South Africa to identify people and to control mobility. Several essays raise the question about the power of the state and show how despite the state seemingly being powerful it displayed weaknesses. This issue covers a vast period from the early years of the twentieth century to contemporary South Africa.⁵²

In controlling the immigration process, entry into South Africa was on condition of the possession of certain documents. In the absence of such documents, people resorted to falsifying their identities and soliciting the help of immigration and state officials through corrupt means so as to gain entry into the country. Dhupelia-Mesthrie unveils the fragility of the documentary system in her essay which examines the entry in Cape Town of minor sons from India in the first half of the twentieth century. She points out that in the absence of certificates as proof of relationship between minors from India and the fathers resident in South Africa, sworn statements were the accepted conditions for entry of these minors as well as attestations from officials in India, which requirements were easy to falsify.⁵³ Andrew MacDonald, shows how the Union government after 1920 in its attempt to restrict non- white immigration resorted to tighter entry conditions at maritime gateways but on the border with Mozambique and Swaziland they were vulnerable as a ‘thriving market in identity permits’ developed which saw a continuous inflow of the ‘undesirables’.⁵⁴ Fraud is thus a major theme in studies of documentary systems.

Several essays in the issue also focus on the use of biometric identification methods.⁵⁵

⁵² Uma Dhupelia –Mesthrie, ‘Introduction’ in Uma Dhupelia – Mesthrie (ed) *Paper Regimes. Kronos 40* November 2014.

⁵³ Uma Dhupelia – Mesthrie, ‘False Father False Sons: Immigration Officials in Cape Town, Documentations and Verifying Minor Sons from India in the First Half of the Twentieth Century’, in Uma Dhupelia – Mesthrie. (ed)*Paper Regimes. Kronos 40* November 2014. 99- 123.

⁵⁴ Andrew MacDonald, Forging the Frontiers: ‘Travellers and Documents on the South Africa-Mozambique Border, 1890,s – 1940’s’, in Uma Dhupelia – Mesthrie. (ed)*Paper Regimes. Kronos 40* November 2014. 154-177

⁵⁵ See Uma Dhupelia – Mesthrie, ‘False Father False Sons: Immigration Officials in Cape Town, Documentations and Verifying Minor Sons from India in the First Half of the Twentieth Century’, in Uma Dhupelia – Mesthrie. (ed)*Paper Regimes. Kronos 40* November 2014, Karen L. Harris, ‘Paper Trail: Chasing the Chinese in Cape Town, 1904 – 1933 in Uma Dhupelia – Mesthrie. (ed) *Paper Regimes. Kronos 40* November

Keith Breckenridge has recently published a major monograph on the *Biometric State*. He essentially argues that South Africa has been central to experimenting with biometric identification practices such as fingerprinting and that this history has current global significance as many countries resort to new technologies of identification.⁵⁶

The identification of people through identity documents and state registration projects has not only been that of state control but also that of conferring certain rights to people. This has been one of the important arguments of Caplan and Torpey.⁵⁷ This has been taken further by Breckenridge and Szreter who point to the benefits of being documented. They also question one of James Scott's assertions that the state has a 'will to know'. The state could also, they argue, wish not to know.⁵⁸ These works thus focus on the meaning of documents and motivation of the state.

Dhupelia-Mesthrie raises another point when she has points to the emotions that documents evoke. She explains how the loss of a certain document could cause emotional distress but when in one's possession could bring relief.⁵⁹ Smadar Lavie, argues that documents could be a cause of torture through trauma when she explains the experiences of single mothers from the subjected Mizrahim tribe of Israel who are poor and depend on grants to raise their children. Most of these women are not aware of the attachment they have with an official document they receive. Yet when letters from the state stating a cut in the monthly financial grant received from the government, 'it causes emotional distress which in turn induces physical pain and increased anxiety' to this group of women⁶⁰

Roni Amit and Norma Kriger, look into how the asylum seeker permit under the Refugees Act of 1998 and the Zimbabwean refugee documentation project initiated in 2010

2014, Andrew MacDonald, 'Forging the Frontiers: Travellers and Documents on the South Africa-Mozambique Border, 1890s – 1940's', in Uma Dhupelia – Mesthrie. (ed) *Paper Regimes*. *Kronos* 40 November 2014 and Keith Breckenridge, 'the Book of Life: the South African Population Register and the Invention of Racial Descent, 1950 – 1980 in Uma Dhupelia – Mesthrie (ed) *Paper Regimes*. *Kronos* 40 November 2014.

⁵⁶ Keith Breckenridge, *Biometric State: The Global Politics of Identification and Surveillance in South Africa, 1850 to the Present*. (Cambridge University Press, 2014), 15 – 16.

⁵⁷ J. Caplan and J. Torpey, 'Introduction' in J. Caplan and J. Torpey (eds), *Documenting Individual Identity: The Development of State Practices in the Modern World* (Princeton and Oxford: Princeton University Press, 2001), 5

⁵⁸ See Keith Breckenridge and Simon Szreter (ed), *Registration and Recognition: Documenting the Person in History* (Oxford: Oxford University Press)

⁵⁹ Uma Dhupelia – Mesthrie (ed) *Paper Regimes*. *Kronos* 40, November 2014, 22.

⁶⁰ Smadar Lavie, 'Writing Against Identity Politics: An Essay Against Gender, Race and Bureaucratic Pain'. *Journal of the American Ethnological Society*, Vol. 39 No. 49 (November 2012), 779-803

actually works in democratic South Africa. They argue that documentation in this context exhibits the dual effect of state control and rights accorded to individuals. This is a significant study of documents and points to the importance of what they call ‘street bureaucracy’ in the issuing of documents. Lower level officials can actually thwart state objectives.⁶¹

My study seeks to contribute both to the literature on migration and state documentary practices. It seeks to explore the range of documents immigrants applied for and how not these impacted on their lives in South Africa.

Research Methodology

I have interviewed nine West Africans living in Cape Town. They include eight males of which five are from Cameroon, two from Nigeria and one from Ghana. The only female is from Nigeria. All the interviewees are of the working age group, with the youngest being 27 years old and the oldest being 48 years old. The majority of them are below the age of 40 years. 80 percent of the interviewees had some form of formal education: four of them are university graduates and three had made it through high school, and two struggled to get through primary school. The demographic representation of these interviewees highlights the profile of the type of people that have been emigrating from West Africa. Their occupations range from an IT programmer, an accountant, a marketing researcher, a clothing designer, a mechanic and a pastor. Only three of them had no specific occupation. Three of them enrolled into post graduate studies of which two have completed their programmes and are working and one is still a post graduate student. Seven of these interviewees have either been informal traders or have assisted someone involved in informal trading as a means of their livelihood in South Africa.

All but one came into South Africa legally but of that number, only two of them came in with visas (study visas), which is the status they still possess. The others have moved from the visas they came into the country with to asylum seeker and refugee permits, to work permits, to spousal permits and to permanent resident status. The interviewees live in the city of Cape Town with the exception of one who comes from Worcester. They all have lived in Cape Town for more than a year. These interviews followed the method of life history. They were asked their reasons for immigrating to South Africa and the process of migrating. They

⁶¹Roni Amit and Norma Kriger, ‘Making Il-legible’: The Policies and Practices of Documentation in Post-Apartheid South Africa. In Uma Dhupelia – Mesthrie (ed) *Paper Regimes. Kronos 40*, November 2014, 269-291.

were also asked why they chose Cape Town as their preferred destination. The interviews further probed the documentation required and how this affected their stay and professional life in the country. These interviews were conducted between February and May 2016.

Oral interviews were also conducted with two officials of the city of Cape Town. Paul Williamson is of the City of Cape Town, Economic Development Department and heads the division called Business Areas Management, with a number of key elements in that portfolio, such as dealing with area co-ordination of city services. He deals with addressing issues of trade, and crime mainly in business areas but also in key residential areas and the management of street trading. Liesl Ann Kenny is also with the City of Cape Town and the district area coordinator for the Tygerberg District. She is the coordinator of the various districts and deals with the informal traders in terms of management, the issuing of permits, the monitoring of the permits and the day to day running of the various trading bays. Together they are responsible for informal trading in the city of Cape Town, a sector which accounts for the livelihood of most West African immigrants in the city of Cape Town. The interviews with these city officials probed into how and why the informal sector which falls under their jurisdiction has become the dominant avenue for most West African immigrants in the city when it comes to employment as opposed to other sectors. It also investigated the challenges faced by official, nationals and the immigrants themselves in the informal sector.

I am aware that my participation pool when it comes to the interviews is representing West Africa as a region, although most of the participants are from Cameroon. Cameroon is the only country in the region which exhibits the influence of both French and English colonial legacies. The heterogeneous nature of the country which is reflected in its socio-cultural, political and religious diversity, as well as its different climatic regions (Sahel, savannah, tropical, equatorial and coastal), has granted her the label 'Africa in miniature'.⁶²Historically Cameroon provides a case study for the post-colonial immigration trend and drivers in the West African region.⁶³

While I sought interviews to represent West Africa as a region, the sample reveals a bias towards Cameroon. Due to the sensitivity of the topic and the fear of providing

⁶²See Francis B. Nyamnjoh, 'Cameroon: a Country United by Ethnic Ambition and Differences', *African Affairs*, Vol. 98, No. 390, Jan. 1999.

⁶³See Edwin Ardener, 'The Political History of Cameroon', *The World Today*, Vol. 18, No.8, Aug. 1962.

information that might implicate them, most West Africans turned down requests for interviews. Though confidentiality was guaranteed through the provision of signed documents, there was mistrust as to where the information will end up. Most of the interviewees had some basic education which made it easier for them to understand the legal implication of the documents I provided for them to sign in relation to their confidentiality. Those who agreed to be interviewed were assured that their anonymity would be guaranteed.

Since the research was focused on immigrants and documentation it was pertinent and important to conduct interviews with officials in the Department of Home Affairs and some law enforcement departments. I established contacts and had discussions with several officials' possible interviews. After receiving details about the research project the interviews were turned down by politely referring me to other officials or sight stated that they were too busy and it would be difficult to create time for such a sensitive project.

In obtaining samples of travel documents, visas, permits and identity documents for the research, I had to secure the services of a correspondent in Cameroon to obtain a photo copy of an old passport which denotes that the bearer could travel to every other country except South Africa. Copies of the other documents were solicited from West Africans in Cape Town.

Alessandro Portelli has argued that, 'oral historical sources are narrative sources'.⁶⁴ He emphasises on the idea that there are no false statements in oral history and the accounts given by people are 'psychologically true'.⁶⁵ He brings out the importance of narrative forms in history beyond facts. In *Imagining the City*, Sean Field stresses how vital memory and oral narratives are to establish meaning. He argues for the importance to ascertain 'how and why people believe what they believe, think what they think, and most crucially why people act the way they do'.⁶⁶ Oral histories are not just about seeking facts but working with memory as a process of construction that establishes meaning. This thesis acknowledges the contribution of Portelli and Felid to oral history but also acknowledges how important oral history is to uncover knowledge about immigration experiences.

⁶⁴Alessandro Portelli, 'What Makes Oral History Different' in Perks and Thomson (eds), *The Oral History Reader* (London, 1998), 66

⁶⁵Alessandro Portelli, 'The Death of Luigi Trastuli and other Stories: Forms and Meaning in Oral History' in M. Frisch (ed) *Suny Series in Oral and Public History* (New York: State University Press, 1999), 51.

⁶⁶Sean Field et al, *Imagining the City: Memories and Cultures in Cape Town* (Cape Town; HSRC, 2007), 9.

Chapter Outline

Chapter one reflects on the ‘bush falling’ phenomenon typical of West Africans, tracing its origin to the colonial era and linking how this pattern of West African immigration has become global and how it links to West African immigration in South Africa. It will deal with the reasons that made South Africa a migration hub after 1994 with the fall of apartheid and the exceptional increase in the number of people immigrating to South Africa during this period. It will also explain the attractions of Cape Town to West Africans.

Chapter Two focuses on a critical examination of documentation needed by West African immigrants in Cape Town with more emphasis on the type of visas these immigrants used or were granted to gain entry into South Africa, how they were obtained and how they were used. This chapter elaborates on the type of permits which these immigrants acquired to legalise their stay. It further examines the issue of permits in relation to the South African constitution and certain international laws and conventions.

Chapter Three will examine how the types of permits West Africans acquire affect their working and living condition in Cape Town. It looks at the limitations these permits pose on accessing certain opportunities and services and how these people have adapted and created mechanisms to sustain themselves like a community.

The concluding chapter reflects on the central research question which is why West Africans in Cape Town came to South Africa and their struggles to obtain the necessary documentation, which permitted them to work, study and stay in the country. It also considers the impact of the documents issued to these immigrants and their ability to study or work as well as access various services in the communities where they found themselves.

CHAPTER ONE

West Africans and Immigration to South Africa

Introduction

This chapter provides an introduction to West African international migration through a contextual narrative of the ‘bush falling’ phenomenon; a migration trend entrenched in the emigration experience in the West African community. It traces the origin of this migration trend to the colonial period and how it became common practise among young people who had lost faith and trust in their various governments and societies. The shortfalls and demise of post-colonial governments in West Africa, as well as most territories that were colonised, led to these former colonial territories still depending on the West for their survival and existence. Here I argue that the colonial legacies, the political and the socio-economic conditions of West African states provided the foundation for international migration from this region to mainly European countries. This was the period between 1960 and 1990, after they had gained their independence from their colonial masters.

The second part of the chapter looks into the main factors that played a major role on the reliance of many young West Africans on international migration, mostly a South – North migration trend, the target being European countries and other Western countries like the USA and Canada. I argue that although the events that took place during the colonial and post-colonial period in the West African region accounted for people immigrating to European countries, there were other major factors which contributed to this immigration trend to become an avenue and gateway for a better life for many West Africans.

The third part of this chapter explores and investigates the various reasons and conditions that contributed to the exponential increase in the immigration of people from West Africa to South Africa after 1994, Cape Town in particular. I argue that there were two major developments which saw many West Africans immigrating to South Africa after 1994. There was the fall of apartheid and the coming to power of the African National Congress (ANC) government in 1994 and there was also the difficulty for many West Africans to get into Western countries in Europe and North America. These countries had adopted stricter immigration policies which forced aspiring West African immigrants to seek alternative

destinations. In this section I draw particularly on the reasons that interviewees provided for immigrating and how this contributes to the existing literature.

The bush falling phenomenon

The bush falling phenomenon is a concept used with regard to migration from West Africa to regions considered to be more economically advanced. It refers to a combination of push and pull factors that account for the emigration of people from their home countries to regions where they believe, or perceive, their economic and social conditions would be better off. Bush falling is coined from the phrase, bush faller, which stems from Pidgin English, a lingua franca commonly used in West African countries like Nigeria, Cameroon, Ghana and Liberia. As Annett Fleischer explains:

The Pidgin-English term bush faller, which is widely used throughout Cameroon, especially in the Anglophone part of the country, describes persons who are leaving their country in search for a better life. The Pidgin phrase is derived from the verb to fall bush, and means, to go to the 'bush' to hunt, gather or harvest and to return successfully with food to nourish the family. The term is commonly used to describe Cameroonians in Europe or the US who were looking for 'greener pastures' to achieve individual and family goals. The term also conveys a sense of danger and risk: breaking new ground in a distant place.¹

From their stand point, Michaela Pelican et al, view the concept of the bush faller as paradigmatic to the idea of a better life elsewhere. In agreement with Fleischer, they find bush falling to imply going to the bush to hunt, gather and harvest, an endeavour which is rewarding as one never comes back from the bush without something. They recognize the bush to bear a double connotation, where the bush 'on the one hand is associated with wilderness and backwardness and on the other with places of enrichment – thus the US and Europe equally qualify as bush.'²

Taking into account the analogy of the bush faller concept by these writers, it becomes clear that this migration trend was driven by the quest of people in search for opportunities in wealthier and more affluent countries for their well-being and that of their families. But what was the premise of such a trend which became a phenomenon in West African migration?

¹Annett Fleischer, *Making Families among Cameroonian 'bush fallers' in Germany: Marriage, Migration and the Law* (Phd 2011), 3.

²Michaela Pelican, Peter Tatah and Basile Ndjio, 'Local perspectives on Transnational relations of Cameroonian migrants', *African Sociological Review*, 12, 2008, 119.

The legacies of colonialism played an important role in the establishment of this immigration trend in West Africa. AS mentioned earlier in the introduction chapter, international migration and more specifically voluntary migration of people from West Africa and many African countries south of the Sahara to Western countries only started gaining momentum towards the end of the colonial period. This was the period when most of these countries gained their independence from their colonial masters. Before the colonial period, movement of people from this region to the Old and New Worlds, as well as the Far East, were involuntary in nature. The trans-Atlantic slave trade and the trans-Saharan slave trade were the respective channels of such displacement of people.³

The metanarrative traces the origin of the bush falling phenomenon to the colonial period. To achieve their civilising mission and for the effective functioning of colonial governance, the colonial masters needed to train and educate some of the ‘natives’ worthy of assisting them in the administration of their various colonies. This process of assimilation led to the development of what became known as the elites in the colonial territories. In the absence of well-equipped educational facilities in the colonised territories, these selected few (elites) were given opportunities to study and be trained at institutions in Western countries.

Travelling to the West during this period was based on colonial ties as those from the British colonies went to Britain, the French to France and Portuguese to Portugal.⁴ Taking Ghana as an example, Awumbila *et al*, state that, ‘migration out of Ghana involved a few people, mostly students and professionals to the United Kingdom as a result of colonial ties.’⁵ After their education and training, most of these people returned to occupy top ranking administrative positions both in government and the private sector. Having a good educational background automatically meant being well placed in society.

Micheala *et al* using Cameroon as an example, state that, ‘elite members of the post-colonial era who, with the help of mission networks or personal connections, studied abroad, and returned to Cameroon to take white-collar jobs with the government and international

³Emmanuel Akyeampong, ‘African in the Diaspora: The Diaspora and Africa’, *African Affairs*, 2000, 183.

⁴Erik Bleich, ‘The Legacies of History: Colonization and Immigrant integration in Britain and France’, *Theory and Society*, Vol. 34, No. 2, April 2005, 178.

⁵Mariama Awumbila *et al*, *Migration Country Paper (Ghana)*, (Centre for Migration Studies University of Ghana, 2008), 6.

corporations.⁶ It became an established fact in most West African countries that Western education and training, and also acquiring Western values and culture, was (and is still) an attainment of superior status (elite) and a guarantee for high paid jobs in the public and private sector.

Not all those who emigrated returned to their countries, there were those who remained to work and live in these western countries. As time went on, more people were to leave for the West without plans of returning. This was the premise of the bush falling phenomenon. As the economic and political situation got worse in West Africa during the post-colonial era, the bush falling phenomenon gained ground. Emigration to the West was not limited to those who went for education and training but people from all works of life and of all ages joined the wagon. As Lydia Asana and Wilfred Ngwa explain, the bush falling phenomenon which to them seems to be an epidemic in the West African community, had become ‘ostensibly en vogue in Africa and this is not about to change.’⁷

As more people embarked on this emigration trend, most of the European countries started adopting restrictive immigration policies. These policies were selective in that they favoured highly skilled professionals, especially in the medical field. These restrictive immigration policies changed the dynamics of immigration into European countries which before was based on colonial ties. As most of these aspiring West African immigrants found it increasingly difficult to gain access or entry into the countries of their former colonial masters, they started seeking new destinations with less restrictive immigration laws and policies. Jayne Ifekwunigwe noted that:

Since the mid-1980s, stricter immigration control in most European Union (EU) member states has made it increasingly difficult for African migrants who are neither highly-skilled nor a family migrant or who do not meet the limited criteria for refugee status outlined by the 1951 UN Convention to enter the EU. Those who cannot enter Europe legally will do so by any means necessary of this situation.⁸

West Africans started immigrating to other European countries, North America, Canada, Asia, the Middle East and after 1994 to South Africa. Demba et al make the point

⁶Michaela Pelican, Peter Tatah and BasileNdjio, ‘Local Perspectives on Transnational Relations of Cameroonian migrants’, *African Sociological Review*, 12, 2008, 119.

⁷Lydia Asana and Wilfred Ngwa, *From Dust to Snow: The African Dream?* (African Renaissance Ambassador Corp. December 2006), 2

⁸Jayne O. Ifekwunigwe, ‘Reframing Africa, Europe and the Global African Diaspora’, *ITPCM International Commentary*, April 2014, 35.

with regard to Senegal that, ‘For a long time in the Senegalese imaginary, Europe meant France. Nowadays, however, many look towards other countries such as Italy and Spain, which have become important destinations for Senegalese emigrants seeking work in Europe.’⁹

As cited above, the foundation of West African emigration to the West was based on colonial legacies. The umbilical cord linking the colonies and their colonial masters remained intact after independence.¹⁰ The socio-cultural, economic and diplomatic bond that was established made it easy for people to travel to the countries that colonised them. The issue of colonial ties cannot be seen as the main contributor to this emigration phenomenon in West Africa. There were other regions on the continent that were under colonial rule but their people did not become globe trotters. Several factors also account for the entrenchment of the bush falling emigration trend in West African communities.

The economic crisis of the 1980s in the region played a vital role in promoting the bush falling phenomenon in West Africa. The independent states of the West African region in the 1960s embarked on the simple concept of development in their pursuit of decolonisation.¹¹ These governments like many in sub-Saharan Africa at the time adopted a socialist system of governance geared towards alleviating the economic and social well-being of their citizens. In his speech at the All African People’s Conference on 8 December 1958 in Ghana, Kwame Nkrumah advocated for the ‘economic and social reconstruction of Africa’ as one of the means to achieving decolonisation.¹² In addressing the delegates at the conference Nkrumah stated clearly that:

We must rededicate ourselves to the task of organising people and leading them in the struggle for national independence. Africa must be free. We must then use the political power which the people vest in us through freely won elections to bring about the speediest

⁹Papa Dembe Fall et al, *Senegal: Country and Research Areas Report*, (Université Cheikh Anta Diop de Dakar (UCAD) and Peace Research Institute Oslo (PRIO), 2010), 13.

¹⁰Joy Asongzoh Alemazung, ‘Post-Colonial Colonialism: An Analysis of International Factors and Actors Marring African Socio-Economic and Political Development’, *The Journal of Pan African Studies*, Vol. 3, No. 10, September 2010, 64.

¹¹Paul Nugent, *Africa since Independence: A Comparative History* (New York: Palgrave and MacMillan, 2004), 327.

¹²Kwame Nkrumah, ‘Speech by the Prime Minister of Ghana at the Opening Session the All-African People’s Conference on December 8, 1958’ in Okwui Enwezor (ed), *The Short Century. Independence and Liberation Movements in Africa 1945-1994* (Munich: Prestel, 2002), 366.

economic and social reconstruction of our countries, so as to provide a higher standard of life for all the people¹³

The newly independent states saw the nationalisation and state control of vital services, institutions and industries, as a means of redressing the colonial era legacies and as a way towards attaining self-determination and self-reliance. Nationalisation became the guiding principle of such a socialist system, resulting in an over-stretched civil service attempting to address the needs of people who depended largely on the government for their existence and well-being. In their policies on service delivery, these states provided free education and health services. There were government interventions in prices of basic commodities and also the subsidisation of basic services like transportation, water and electricity. This period also saw a fall in the global prices of export oriented cash crops and raw materials, which were the major source of income for most West African states. With increasing dependence on the government and with a declining source of income on its part, the economies in these countries faced a downward trend culminating in the economic crisis of the 1980s.

In the 1981 World Bank report on African countries, it is affirmed that the expansion of the public sector by government to stimulate growth in their domestic economies was a major contributor to the economic crisis in the 1980s.¹⁴ The Berg report states that:

When African States won independence, they inherited unevenly developed economies with rudimentary infrastructures. To speed up development and make their economies more national, the new governments expanded the public sector. It is now widely evident that the public sector is overextended, given the present scarcities of financial resources, skilled manpower, and organisational capacities. This has resulted in slower growth than might have been achieved with available resources, and accounts in part for the current crisis.¹⁵

To keep their economies afloat as a result of the economic crisis in the 1980s, these struggling governments had to turn to the IMF and World Bank for loans. They also had to rely and depend on assistance and aid from foreign donors. These loans and aid came with conditions that the governments had to adhere to. In the case of the IMF and the World Bank

¹³Ibid, 366.

¹⁴Patrick Manning, 'African Economic Growth and the Public Sector: Lessons from Historical Statics of Cameroon', *African Economic History*, No 19 (1991), 135.

¹⁵World Bank, *Accelerated Development in Sub-Saharan Africa: An Agenda for Action* (Washington, D.C, 1981)

there were the structural adjustment programmes which stipulated the policies and programmes to be put in place by the various governments to revitalise their economies with the capacity of repaying their loans¹⁶.

The aim of the structural adjustment programmes was to reduce government spending and to boost commercial and industrial activities. This was to be achieved through the downsizing of public service employees, reduction of the salaries paid to public servants, privatization of State owned enterprises and the liberalisation of the economy.¹⁷ The outcomes of these policies were mass unemployment, poverty and corruption. Free education had produced and trained young people who could not find employment. Privatization had rendered many people unemployed with consequences for families and their well-being.

As free social services like health ceased to exist, so too was the decrease of life expectancy in the West African region. Unemployment led to poverty and then the lack of the ability of the people to afford basic necessities of life. Invoking Ghana as an example, John Anarfi *et al* explain that

By the mid-1980s, the economy of Ghana was growing at a negative rate. To arrest the decline, the government introduced a Structural Adjustment Programme, which included staff redeployment and withdrawal of subsidies on social services such as health, transport and education. The unemployment and other hardships that occurred with the withdrawal of subsidies created conditions for further emigration.¹⁸

Most of the countries in the West African region were in a similar situation like Ghana. The hardship faced by young people as a result of the economic situation in their countries forced them to seek a better life elsewhere.

The hardship and poverty faced by the people of West Africa cannot be based solely on effects of colonialism and the economic crisis. Government policies and unconventional practices in state institutions and among employees in the public service have contributed enormously to the economic down fall and poverty in the region. Joy Asongazoh argues that, 'the foundation for failure was laid in Africa during colonialism and is sustained through colonial legacies with the accomplice of African elite leaders.'¹⁹ Those who took up

¹⁶Paul Nugent, *Africa since Independence: A Comparative* 327.

¹⁷*Ibid*, 335.

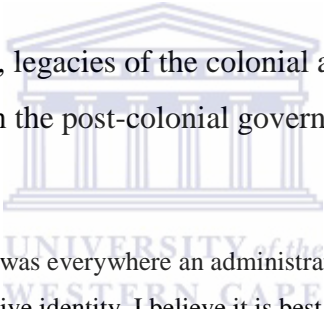
¹⁸John Anarfi et al, (Migration from and to Ghana: A Background Paper), Development Research Centre on Migration, Globalisation and Poverty, University of Sussex-Brighton, December 2003, 8-9.

¹⁹Joy Asongazoh Alemazung, 'Post-Colonial Colonialism: 62.

leadership (elite nationalist leaders) in West African and other African states after independence adopted the oppressive and exploitative administrative practices they inherited from their former colonial masters. With absolute power and control in the hands of the head of states, the will and consent of the masses mattered less. Dictatorship was the order of the day.²⁰ From alternating civil and military governments in Nigeria and Ghana, to one man, one party government in countries like Cameroon and Senegal, those who came to power had absolute control of the government and other state functionaries.

Self-enrichment and accumulation of wealth became common practice among the ruling class and those in top administrative positions. As the resources of these countries were drained by their leaders, much of which was invested in Western countries and saved in overseas accounts, the local economy was bound to crumble. This was one of the contributing factors for the economic crisis and poverty the people faced in the 1980s.

Tribal and ethnic divisions, legacies of the colonial administration, were some of the issues that had a negative effect on the post-colonial government in most West African states. Mamdani postulates that:



During the colonial period tribe was everywhere an administrative unit and tribal identity an officially designated administrative identity. I believe it is best to refer to the system of native administration and indirect rule as a system that institutionalized tribal discrimination and justified it as an inevitable consequence of cultural identity. It thereby reified cultural identity into an administratively driven political identity or ethnicity into tribe.²¹

The tribal and ethnic divisions that comprised the post-colonial states affected most of government policies, from the appointment of senior state officials to the identification and execution of development projects. Those who opposed the regime in power faced punitive measures whereby they were deprived of development projects and provision of basic services like water, electricity, health, education, road and other infrastructure. Employment and even the appointment of people from such a tribe or ethnic group to positions in the civil service were rare. Allegiance to the regime in power meant favourable government policies towards your region of origin. Asongzoh while examining the Nigerian situation explains that:

²⁰Ibid, 62

²¹Mahmood Mamdani, *Define and Rule: Native as Political Identity* (Johannesburg: Wits University Press, 2013), 53.

Successive colonial constitutions in Nigeria for example, entrenched political power on regional lines. Ethnic divisions thus, contributed to the formation of parties along ethnic lines, which later contributed to the marginalisation of parties which refused to co-opt into the ruling party: consequently, ethnic division and rivalry can be seen as a major trigger and cause of conflict on the continent. Ethnic groups who feel marginalized often develop feelings of revenge and hatred against those who enjoy socio-economic wellbeing from the resources of the state because of their affiliation to the ruler, based on 'Clientelist Politicking'. Since there are rarely any state guided structures and political arrangements or functional governance procedures for rational and appropriate distribution of state resources and power, there is usually a resort to conflict.²²

These ethnic divisions marginalised certain groups of people in most of these West countries. Examples of such ethnic conflicts can be seen in the Biafra war in Nigeria from 1967 -1970,²³ the Casamance uprising for regional autonomy in 1947 and eventual advocacy for secession from Senegal in 1982,²⁴ the coup d'état of March 1966 in Ghana and the attempted coup d'état of April 1984 in Cameroon.²⁵ With all these developments, the oppressed people saw no future in their homeland and many resorted to seek better opportunities by emigrating.

Corruption was imbedded in the fabric of post-colonial West African governments. As state resources were siphoned and misappropriated by senior state officials, those lower on the administrative ladder engaged in corrupt practices towards self-enrichment. Bribery, fraud and falsification of documents became a common practice for people to gain employment and admission into educational institution. There was corruption in granting of tenders and poor execution of state sponsored projects. 'Street level bureaucracy' became the order of the day as state officials became the law and in most cases were above the law. In the views of Adepaju:

Mismanaged economies and human rights abuses, especially under military regimes across the region, have spurred the exile of both skilled and unskilled persons. Conflicts and

²²Joy Asongazoh Alemazung, 'Post-Colonial Colonialism. 66.

²³ Marie-Luce Desgrandchamps, 'Organising the Unpredictable: the Nigeria Biafra War and its Impact on the ICRC', *International Review of the Red Cross*. Vol. 94 No. 888, (2012), 1409.

The Nigeria-Biafra war was the main event that brought about the founding of the Médecins sans frontières (Doctors without borders).

²⁴Aissatou Fall, 'Understanding the Casamance Conflict: A Background', *Koffi Annan International Peace Keeping Training Centre, KAIPTC Monograph No 7*, 4.

²⁵James Fearon and David Laitin, *Cameroon*. Stanford University, (June, 2005), 12.

environmental degradation have further aggravated the pressure for migration from poorer to relatively prosperous regions, within and increasingly outside the sub region.²⁶

Gross mismanagement of state resources and corruption slowly crippled the economies of these West African states. Citing Senegal, Demba et al reveal that, ‘Corruption is considered a serious problem in Senegal and the political class is typically accused by the population of mispending the country’s money. . .The president is said to be planning for 35% of profits for visitor’s fee to go to a foundation of his own, run by his own daughter.’²⁷

Those who were affected most by these malpractices were young people who could not find employment, further their education or even find opportunities for self-employment in what is known as the Einstein stigma (lack of opportunities to manifest potential)²⁸Faced with a bleak future, the temptation to seek a better life in more affluent societies or countries became irresistible for most of these young people. They needed a safe haven which they found in Western countries and other attractive destinations in Asia, the Middle East and South Africa on the African continent.

Pull factors that contribute to West African emigration

Emigration from the region was mostly based on the push (negative) factors, like those stated above, that forced people to leave. The destination countries served as a magnet to immigrants, through certain pull (positive) factors. Although eager and desperate to get out of the poor socio-economic and political situation they found themselves in the 1980s and 1990s, the decision to immigrate to European countries and North America was also influenced by developments in these destination regions and also technological advancement. One of such attractions was the availability of jobs in these destination countries.

Western and industrialised countries needed migrants as a result of growing labour shortages in certain sectors. Due to ageing populations and expansion in the global economy, there was the irrefutable need for migrant labour in most advanced societies. People were needed to fill shortages both in highly skilled areas like information technology, health services and menial jobs in the areas of agriculture, manufacturing, construction and the

²⁶Aderanti Adepoju, *Recent Trends in International Migration in and from Africa* (Human Resource Development Centre Lagos, 1989), 3.

²⁷ Papa Dembe Fall et al, *Senegal*, 7.

²⁸See Lydia Asana and Wilfred Ngwa, *From Dust to Snow*, 9-11.

domestic sector.²⁹ Like the ‘Two gate way’³⁰ policy practiced in South Africa, most of these Western countries at times turned a blind eye to irregular immigration to meet their labour demands³¹. These conditions made it possible for those in search for better opportunities to migrate, a situation which was exploited by many West African immigrants seeking a better life.

The 1990s saw many West Africans living and working in Europe and North America. These immigrants supported their families and communities back home through the remittances they sent. The welfare and well-being of families who received remittances from family members in these advanced and affluent countries improved immensely. Studies carried out in the region have proven that remittances have a huge impact on the livelihood of many families and communities.³² Quartey found out that remittance to Ghana in 2005 was more than a third of Ghana’s GDP.³³ In a similar study in Nigeria, Afolayan also found out that remittances to Nigeria in 2008, was 4.7% of the GDP. He also stated that from 2003 to 2005, remittances surpassed Foreign Direct Investment (FDI) in Nigeria.³⁴ The situation was the same in Senegal, Cameroon and other West African countries. In cognisance of the changes brought about by remittances to families of immigrants, it became a mission not only to individual and families, but sometimes entire communities combined resources to get the finances necessary to send one of their own to seek better opportunities out of the country. These individuals were required to assist not only themselves and their families, but entire communities. Those who emigrated became the channel for others to eventually join them where they had settled. Asana nicely puts it that ‘remittance receivers are typically better off than their peers who lack this source of income. Having a family member abroad is synonymous to riches. Such families are regarded with a lot of veneration.’³⁵

The reliance on family ties and kinship also played a significant role in fostering emigration from West African communities. As families and friends and sometimes

²⁹Gunisai Mutume, ‘Africa Migration from Tensions to Solutions’ *Africa Renewal* 2006, 3-4.

³⁰Aurelia Segatti, ‘Reforming South African Immigration Policy in the Post-Apartheid Period (1990–2010)’ in Aurelia Segatti and Loren Landau (eds), *Contemporary Migration to South Africa* (Africa Development Forum, 2011), 34-35.

³¹Gunisai Mutume, ‘Africa Migration from Tensions to Solutions’. *Africa Renewal* 2006, 4

³²Peter Quartey, *Migration in Ghana: A Country Profile* (International Organisation for Migration, Geneva. 2009), 68-69.

³³Ibid, 68.

³⁴Adejumoke Afolayan, *Migration in Nigeria: A Country Profile* (International Organisation for Migration, Geneva. 2009), 62-63.

³⁵Lydia Asana and Wilfred Ngwa, *From Dust to Snow: The African Dream?* 11.

communities became reliant on immigrant support through remittances, there was the need to ease the burden, and one way of doing so was to facilitate and assist those relatives and friends who were in dire need to leave the country. The more members of a particular family or community found themselves together in a foreign land, so too was an increase in the support they gave back home as well as the distribution of the financial responsibility to carry out projects back home. On this same trajectory, there were people who left the country leaving behind their spouse and in some cases their children. There were those who were single and for reasons of race, cultural and religious identity had to get a partner from their own area of origin. This is a trend that has contributed to the emergence of entire West African communities in metropolitan areas across the globe including South Africa.

The desire and decision for people to travel or immigrate is not just based on the push and pull factors discussed above. People investigate and gather information about the place they intend to travel to before deciding to embark on such ventures. One important driver of immigration is the perception people have of the places they intend to immigrate to. This has led to what has come to be known as the Ignorant Perception (IP) factor which has played a significant role in the immigration of West Africans in recent years to destinations like Asia, the Middle East and South Africa by West Africans. Lydia Asana and Wilfred Ngwa have defined it as, 'the perceptions that travellers have of the receiving country. Because such perceptions are often formed from a distance, they are sometimes warped or not properly vetted with the realities of the receiving countries'.³⁶ The knowledge they gather come from several sources which includes the mass media, encounters with visitors and those who come to work in their countries from more affluent societies and also their peers who return home on short holidays.³⁷

The mass media contributes significantly to the construction of the perceptions people have about the global community. Through print and audio-visual media, people are flooded with information some of which are facts, some are fictions and some are distorted or constructed narratives to suit a particular political, socio-cultural, economic or religious agenda. Appadurai clearly explains the effect of the media on people's perception. He writes that:

³⁶Ibid, 5.

Mediascapes, whether produced by private or state interests, tend to be image-centred, narrative based accounts of strips of reality, and what they offered to those who experience and transform them in a series of elements (such as characters, plots and textual forms) out of which scripts can be formed of imagined lives, their own as well as those of others living in other places. These scripts can and do get disaggregated into complex sets of metaphors by which people live as they help to constitute narratives of the 'other' and proto narratives of possible lives, fantasies which could become prologomena to the desire for acquisition and movement.³⁸

Through the internet, social media platforms have played a massive role in promoting the immigration of young people to more advanced countries. In describing the role of the mass media in creating a positive perception on aspiring immigrants about Western countries, Adeyanyu *et al* explicate that:

Western popular culture, transmitted via the local media and the media of the Internet, newspapers and the magazines, radio, billboards, cinemas and so on, play a major role in constituting prospective African immigrants' subjectivities and emotions vis-à-vis their sense of self in Western societies. The mass media enable African migrants to be present (virtually) with their co ethnics as they are absent (physically) from them. African migrants, immigrants and students now use social networking sites to impress their peers and social groups in home societies, familiarising them with a better social life elsewhere.³⁹

Through the mass media, aspiring West African immigrants (self) conceive the West (other) as a 'heaven on earth.'⁴⁰ Based on these illusions, it becomes difficult to accept the realities in these advanced societies until they live it. Even though the governments of some West African states are trying to put in place reforms to discourage emigration, most young people, through their exposure to the mass media believe the promise land is the West and that is where they can fulfil their dreams of a better and glamorous life.

The encounters people have with those who travel to their shores especially from Western countries, also gives them a false sense of the reality of life where these people are coming from. Most Westerners who travel to these countries come in as corporate or diplomatic workers, tourist, evangelists or philanthropists, or as visitors to friends or spouses.

³⁸ Arjun Appadurai, 'Disjuncture and Difference in the Global Cultural Economy', *Theory, Culture & Society*, Vol. 7 (1990), 299.

³⁹ Charles T. Adeyanyu and Temitope B. Oriola, 'Colonialism and Contemporary African Migration: A Phenomenological Approach', 42(2), 951.

⁴⁰ Asana and Ngwa, *From Dust to Snow*:\, 8

With the colonial legacies still in place in these communities, and with the power of their currencies, these Western expatriates and visitors tend to afford the best there is to offer from accommodation, transportation, security, entertainment and other services which seemed so farfetched for the locals.⁴¹ From senior state officials to the local inhabitants, these Westerners are treated with some sense of superiority and are symbols of wealth and riches. As they spend lavishly and live glamorously, the conception which builds up in the mind of the locals is that there is no poverty where these people come from. To sum it up, Lydia Asana and Wilfred Ngwa explain that, ‘they are often affluent (with a Western pay-check while living in a low-cost society), exuding opulence and often hire African-help to do low paying jobs.’⁴² These encounters only enforce the zeal of young people to travel to the land of the rich, a perception which does not reflect the realities of Western societies.

The perception of affluent Western societies is further reinforced by the remittances ploughed back to home communities and also through short visits made back home by immigrants from Western countries. Immigrants will save and accumulate money for years planning a trip back home for just a short while. Most of them before their arrival, will ship used cars and second hand articles and appliances of all nature to their home country. On their arrival they make sure there are souvenirs and presents, reflecting the aura of Western luxury, for members of their families and love ones. For the short time they are home, they display wealth from the cars they drive, the way they dress and the cash they spend. They are envied by their peers who will do whatever it takes to be in their shoes. Most of these holiday makers seldom reveal what type of life they live, leaving those they meet in their home countries with the illusion of a glamorous life.⁴³ This implants in the mind of their peers the dream of freeing themselves from poverty and suffering by becoming a bush faller.

Faced with all these predicaments, the bush falling phenomenon and emigration from West African communities is on the rise. As former destination countries became difficult to access, there is constantly a search for new destinations to immigrate to. South Africa after 1994 became a much sought after destination for bush fallers.

The effect and impact of the bush falling phenomenon is immense not only for the immigrant but also on global economic and socio-cultural politics. This thesis might not

⁴¹Ibid, 9.

⁴²Ibid, 9.

⁴³Ibid, 10.

address the complexities of the bush falling phenomenon but it provides an insight into how it became instituted and embedded in most West African countries.

Coming to South Africa: Interviewees Perspectives

There are two main historical events which account for South Africa becoming an attractive destination for West African immigrants after 1994. They are the restrictive policies adopted by Western countries aimed at curbing immigration and most importantly the fall of apartheid and the coming to power of the first black elected government in South Africa in 1994.

Restrictive measures by governments to reduce the number of people entering their national territories are not new to humanity. Often in history, where countries have encountered major economic shock, immigrants become easy targets. In the period before World War One, in what Timothy Hatton et al call ‘the first global century before World War One’⁴⁴, there are a number of countries who had adopted restrictive immigration laws as a solution to a decline in their economy and as a political move to please their citizens who in time of economic distress vent their frustrations on immigrant.

The transformation in the socio-political climate in South Africa after 1994 created global euphoria, credit to the charisma of President Nelson Mandela. It opened the doors for people of different races to immigrate or visit the country and West Africans were part of this new trend of south-south migration. As Segatti and Landau put it:

In a single decade, between 1990 and 2000, South Africa became the new migration hub at the southern-most tip of the continent, drawing hundreds of thousands of new immigrants from Central, East and West Africa and as well as Bangladesh, China, Eastern Europe and Pakistan. For some of these migrants, South Africa is a second best choice, a temporary haven en route to Europe and North America. For others and unintentionally for many, it has become a final destination.⁴⁵

In interviews with some West Africans in Cape Town, they explained why they had chosen to immigrate to South Africa and particularly Cape Town. Sam came to South Africa

⁴⁴Timothy J. Hatton et al, *International Migration in the Long-Run: Positive Selection, Negative Selection and Policy*, Kiel Institute for World Economics, June 2004, 3.

⁴⁵Aurelia Segatti, and Loren B. Landau, *Contemporary Migration to South Africa: A regional development Issue*, Africa Development Forum. The International Bank for Reconstruction and Development, The World Bank. 2011,7.

in December 1999. At 48 years of age, Sam is married with three children, holds a master's degree in marketing from a South African university and works in the marketing and sales department at a firm based in Cape Town. Coming from a royal family, people like Sam would have been those that make up the elite when the colonial masters were still running the administration. The changes that ensued after Cameroon had her independence saw significant changes in the administrative, political, economic and social scenes. Sam like many others had lost their privileged positions in the Cameroonian state. After obtaining his Advanced Level Certificate (equivalent to matric) he could not further his studies, so he took a job at micro finance firm. From there he raised enough money to sponsor his trip to South Africa. According to Sam, the main reasons for leaving Cameroon were poor governance and corruption. He states that:

I left Cameroon because of the instability in terms of the governance, not that there was a war but just that the government in place, which is still the same government in place, didn't do things the way it should be done. There is a lot of corruption and people losing their jobs because they didn't come from a certain part of the country. So because of that I moved to South Africa.⁴⁶

Sam did not just travel to South Africa only because of the state of affairs in his country. He had chosen South Africa for other reasons. He learned a lot about South Africa from his history lessons in school. He was fascinated with the history of the Cape of Good Hope and that served as motivation to visit the Cape and live the experience:

I thought about the Cape of Good Hope which I heard from as far back when I was in primary school. You know with us in Cameroon and English speaking education, say that part of West Africa, while in Primary school you do a lot about other African countries and in the south of Africa we did a lot about South Africa and Zimbabwe, and in the east of Africa we did a lot about Tanzania and Kenya, Uganda. So when they taught us the history of South Africa and touch on the Cape of Good Hope in particular, I developed that interest in the country and particularly in Cape Town where that Cape is found⁴⁷

Apart from his love for the Cape, Sam had a friend who had immigrated and was resident in Cape Town. So kinship was one of the reasons he moved to Cape Town.⁴⁸

⁴⁶ Interview with Sam, 29 February 2016.

⁴⁷ Ibid.

⁴⁸ Ibid.

Rene is a 43-year-old Cameroonian who came to South Africa in 2000. He is married to a South African spouse and is a successful entrepreneur. He grew up in a camp which served as the residential area for plantation workers of the Cameroon Development Corporation (CDC). Growing up as the child of a plantation worker was not easy as this was the period when his country was facing economic crisis and the effects of the Structural Adjustment Programmes of the World Bank and the International Monetary Fund. Workers in the agricultural sector were profoundly affected financially. Under these adverse conditions he studied hard and obtained his BAC in mechanical engineering (equivalent to matric). After graduating from school he returned to the plantation to work as a mechanic in a workshop that does repairs and service the vehicles used by the plantation. It is from here that he left for South Africa. Rene like many of his peers in the plantation camps knew that getting out of the poverty circle they were trapped in will not come from them working at the plantation, they needed to look elsewhere. There were other countries to go to but he chose South Africa. When asked why he decided to move to South Africa, he stated that:

I was working in Moliwe as a motor mechanic I wasn't even upgraded, I was still on my probation period, and my junior approached me about a friend who is in South Africa, in Johannesburg and life is good, everything is fine there, more money and things like that, so it will be advantageous to the family for me to leave and have a better life. From there you know we've got that mentality of going abroad and making a better life for the family and that is when I decided to go and get a passport and follow the necessary procedure.⁴⁹

For Rene immigrating to South Africa was a way of making a better life for him and his family. The decision for him to travel to South Africa was also motivated by the fact that while in college at the Pan African Institute in Buea, Cameroon, he had school mates and friends from South Africa and Namibia who were the children of people in exile who were involved in the liberation struggle. Through his interaction with these young people from Southern Africa, he came to learn about the activities of SWAPO and the ANC and shared in the aspirations and dreams of his friends about the region when apartheid is eradicated. When it eventually happened in 1994 with the ANC in power in South Africa, Rene was of the perception that Africans, especially those who had in one way or the other supported the fight against apartheid would benefit from and improve their lives once in the country. He was of

⁴⁹Interview with Rene, 16 March 2016.

the illusion that his friends in school should now be top ranking officials in South Africa because of their political affiliations and might be of assistance to him once in the country.⁵⁰

Paddy who is 37 years old is a Cameroonian and came to South Africa in 2008. Paddy comes from a large polygamist home. His father had three wives and seventeen children. Under such conditions Paddy could not further his studies after completing secondary school. He became an apprentice at the workshop of a dress maker and trained later as a fashion designer. After five years he graduated as a fashion designer and opened his own dress making company. His business grew and within the period of four years he was employing more than twenty people and was able to train and graduate approximately fifteen dress makers and fashion designers every year in his apprenticeship programme. With a successful business he was able to take care of his siblings, providing them with the education he did not have and was able to send his sister to study in a university in Cape Town.

Being a supporter and active member of the main opposition party, the Social Democratic Front (SDF) Paddy and his business became the target of the government. Paddy's troubles started after the 1995 presidential elections. After the election results came out there were allegations that the election was rigged. As the SDF protested against and contested the validity of the elections, its supporters and members were arrested and tortured. Paddy was one of those who went through all this. He stated that 'I've been locked up so many times, you can see even on my legs you can see a lot of wounds that when the military comes out, they just arrest people. I will take out my toes you will see they break my toes here.'⁵¹ Paddy took off his shoes to show me his distorted toes and toenails. After being released from custody without any charges, he was constantly being harassed in many ways by state agents. He claims that they used the taxman to crumble him financially. The taxes he was asked to pay were too heavy and when he contested it his business was shut down. One of the state employees made him understand that all this was happening to him because of his affiliation to the SDF and his opposition to the ruling party. Yet for years Paddy endured persecution. This was about to change in 2008. According to Paddy the immediate cause for him to leave Cameroon for South Africa was a strike that occurred in 2008. The soaring prices of basic commodities had caused people across all works of life in his country to engage in a massive strike calling for the government to address the plight of the people. The

⁵⁰Ibid

⁵¹Interview with Paddy, 13March 2016

crackdown of the strike saw people losing their lives and many were arrested. People like Paddy could not risk being taken into custody. He went into hiding and his friends and family did the necessary arrangements for him to leave for South Africa. His decision to come and seek refuge in South Africa was also based on the fact that his sister was based in Cape Town. Paddy was the one who paid for her studies in South Africa and this was the perfect moment for her to show her gratitude, by helping him leave the country.⁵²

Foukou is 32 years old and comes from the French speaking part of Cameroon. Before leaving Cameroon for South Africa he had just obtained his first degree in accounting and had started working. To him and his family, the amount of money he was receiving as a salary was not equivalent to his qualification. His father advised him to go back to school. He registered to do his masters with a private university in 2010 but when he started the course they were made to understand that that particular course has not yet been accredited by the ministry of higher education. He had to stop there and look for an alternative. Foukou states:

I had a friend with whom we were in University together who was now studying in South Africa. She asked me why I could not come to South Africa to continue my studies. She told me South Africa has very good universities and it will be do much good on my CV if I studied here. So she advised me on what to do to be able to study here. Since I did my studies in French, she advised me to first take a course in English, so I applied for a one year English course in Cape Town. I got accepted then I paid for the course and I received a letter of admission in January 2011 and I started processing my visa which came out in February 2011. That's how I left Cameroon.⁵³

Foukou's coming to South Africa was because he wanted to further his study. He would have loved to study in his country but there was no university offering the course he intended doing. He did not just take the decision to come and study in South Africa. A school mate and friend who was already studying in South Africa convinced him and gave him directives to how he could study there. She also gave him the advantages for him to study in South Africa. Was it not for his friend in South Africa, he would not have thought of studying there.

⁵²Ibid.

⁵³ Interview with Foukou, 28 May 2016.

Ike who is in his early 40s comes from the Republic of Nigeria. Coming from a middle class family with a father who was a school teacher, he had a good education and graduated with an honours degree in a university in Lagos, Nigeria. He could not get a job that related to his field of studies, so he decided to start a small retail business which he was doing until he left for South Africa in 2015. Ike was also a pastor and evangelist with a Christian congregation in Lagos. He explained that, 'I am a Christian and I believe in conservative teachings of Jesus in contemporary times, so I came here as a missionary to declare the gospel and then also to study'.⁵⁴ When asked if there was nothing that forced him to leave Nigeria for South Africa he stated that, 'No, I was OK in my country, comfortably married, settle doing business but I was driven with the passion to share the gospel so I had to come here.'⁵⁵ Probing further into why he chose South Africa to do his missionary work he said that:

One, information and two maybe I could call it God's direction. I believe in God directing people. So having heard about the burden for South Africa, I began to read about South Africa. I observed much insidious kind of religious activities in Christendom here, so I felt there is a need to contribute my quota to Christianity. So that's why I had to choose to come to South Africa.⁵⁶

Ike did conduct his inquiries about South Africa and saw that there was a place for missionary activities without the fear of being targeted by anti-Christian groups like those in his country. He knew he could also further his studies while doing his missionary work. Despite all these, Ike had to rely on a friend who was in Cape Town for logistical support and information. He moving to Cape Town was influenced by the fact that there was someone he could rely on. What is important here is that there does not seem to be a push factor. Also he attributes divine will as an explanation.

Ado is a 29-year-old who comes from Accra, Ghana. His father was a tailor who passed away when leaving behind their mother who was had a small vegetable farm to cater for him and his six siblings. With the deplorable financial situation of the family, Ado and his brothers were bound to drop out of school and do menial jobs around Accra to assist their mother. The brothers in the course of their activities in Accra encountered different types of people and came to understand that when One member of the family emigrated to a richer

⁵⁴Interview with Ike, 26 February 2016.

⁵⁵Ibid.

⁵⁶Ibid.

country the destiny of the whole family could change. They saved what little money they could put aside and decided that Ado would leave Ghana. They had learned about South Africa from the news and from friends who were living there. Ado states that he left Ghana, ‘Because I am not living nice, that is why I leave Ghana to come to South Africa.’⁵⁷ Ado was going through what most young West Africans were experiencing. The economy of his country was bad; it was difficult to afford an education and these young people saw no future for them in their home land. Ado had been meeting and talking with people who have emigrated to other countries and South Africa in particular. Their stories inspired him and his brothers to find a way for him to travel to South Africa. The decision for Ado to leave Ghana for South Africa was a collective family decision. They put together all the money they could lay hands on to see that Ado made the journey to South Africa based on the belief that he would be able to find better opportunities in South Africa which will in the long run take the family out of their miserable and hopeless situation.

Musa is Nigerian and he is 41 years of age. His parents were wealthy so he had a good education and was not exposed to hurdles and struggles most Nigerians of his generation were going through. After obtaining a post graduate diploma in computer science from the Lagos State University, he secured a good job with a bank. Musa had the dream life any young Nigerian would want. He was one of those who benefited from the improving diplomatic and economic relationship that developed between South Africa and Nigeria after apartheid. The company he worked for in Nigeria sent him several times to South Africa to further his training and from there he easily immigrated to South Africa:

Moving to South Africa was not just a sudden decision. It had been in the pipeline ever since. Well in Nigeria I was working, I was comfortable, I had a good job working with a bank as a data base administrator and the company I worked with was the first that sent me to South Africa for training. So I had training in South Africa and from there I started falling in love with South Africa because I saw that there were good opportunities especially for those in my career.⁵⁸

Musa had been coming to South Africa for training and short visits every year from 2009 to 2012 when he made the decision to immigrate to South Africa. The immediate cause for Musa to take the decision to move to South Africa was because the company he was

⁵⁷Interview with Ado, 22 April 2016.

⁵⁸ Interview with Musa, 27March 2016.

working for was facing bankruptcy, there were layoffs and he lost his job. After losing his job, he turned to South Africa where he believed there were better opportunities for him. For someone like Musa his frequent visits to South Africa gave him the impression that as the Nigerian economy was in crisis, South Africa would be a better place. What he failed to take into account as we will find in the next chapter was that when immigrating the most important thing is the type of documents you obtain because without the right documents you will not be able to explore the opportunities that will come your way.

Amina is a 35-year-old Nigerian woman who immigrated to Cape Town in 2013. Being a Muslim, she grew up in a polygamous home, had an education up to college and got married after. After getting married, her husband left Nigeria for South Africa to seek a better life. Amina has been a housewife since she got married. She explained that she had no choice or say when it came to her decision to travel to South Africa. Since her husband was there she had to join him there.⁵⁹For the sake of keeping the family together, many people do not have choice but to immigrate where their family members are. Unlike the women Kihato interviewed, we see little agency and independent will in Amina's story.⁶⁰

Amos is a 31 year Cameroonian. The only son of a Cocoa farmer, his father did everything to see that he had a good education. He did everything to make his father proud as he graduated from university with a first degree in Economics. With the economic crisis and with a very corrupt civil service, people like Amos could not find work upon graduation from school. After obtaining his degree, Amos had stayed at home unemployed for more than a year. It was then that he made the decision to leave his country. He explains how the history lessons he got from school and what he read about South Africa, shaped his perception of the country and contributed to his decision to immigrate:

During my studies I always come across issues relating to South Africa, especially during African history that we started from form three to form five. We were studying African history. So when I go through African history I learned a lot about South Africa, about Apartheid, about Nelson Mandela who is one of the greatest presidents that has come from Africa. So I was so inspired about South Africa. After my degree programme I tried to get means to come to South Africa. I thought of South Africa because during my studies I discovered South Africa is one of the most developed countries in Africa. So I thought it wise

⁵⁹Interview with Amina, 27 March 2016.

⁶⁰See Carolin Kihato, C. 'Invisible Lives: Inaudible Voices? The Social Conditions of Migrant women in Johannesburg', in N. Gasa, (ed.), *Women in South African History: Basus'iimbokodo, bawel'imilambo/They Remove Boulders and Cross Rivers* (Cape Town: HSRC Press, 2007).

to come to South Africa, let me learn from South Africa first, which is one of the most developed countries in Africa before I can extend to other parts of the world.⁶¹

The perception Amos had about South Africa contributed a great deal for him to travel. There were other issues that forced him to immigrate. The main reason for him to leave the country was his desperation of not being able to find a job after graduating with a good qualification from university. He did not see how he was going to live his dream of working in the corporate world if he stayed in Cameroon. The decision to head for South Africa was also motivated and made possible by those he knew who were already resided in South African and Cape Town in particular.

Conclusion

The reasons for the increase in West Africans immigrating to South Africa and Cape Town in particular after 1994 are a combination of push and pull factors. The pull factors are a culmination of issues that brought about what came to be known as the bush falling phenomenon in West Africa. Drawing from the interviews I conducted, we will find that most of these West African left their countries for the sake of looking for a better life in South Africa. The main reason why most of them left was because the economies of their various countries had crumbled. With high unemployment and low salaries, people sought out destinations where they could earn more money for the endeavours and make a better life for them and their families. Although the economic crisis was the main reasons that forced West Africans to immigrate, there were other factors like poor governance and corruption. With governments and head of states who were above the constitution of these countries, the people feared victimization. This can be seen in the case of Paddy from Cameroon who had to leave because of political oppression. There those like Sam who were not happy with how tribalism played out in state affairs. This coupled with the declining standard of tertiary education forced them to seek for better institutions in South Africa. Before 1994 most West Africans immigrated to Europe and North America. Restrictive immigration laws and policies in these regions forced them look for other alternatives which they found South Africa. This was further boosted by the effect of the mass media which painted South Africa as a safe haven after 1994.

⁶¹Interview with Amos, 10 March 2016.

The coming to power of the ANC government in 1994 actually opened the doors for West Africans to immigrate to South Africa. The down fall of apartheid and its restrictive immigration policies on people in the African continent saw better and improved diplomatic and socio-economic relationships between the ANC government and West African countries after 1994. As West Africans found it increasingly difficult to travel to Europe and other developed countries in search for a better life, some of them turned to South Africa based on her vibrant economy and easier access. They felt with a black government in power and a majority of the people being black, South Africa would be more receptive to them than the western countries. People like Amos and Sam from their studies in school about South Africa, took the opportunity to visit and stay in the country which they had learned much about. There were those like Rene who had relationships with those who were in exile in their countries and from them they had learned a lot about South Africa which motivated them to immigrate. People like Ike from Nigeria were pulled to South Africa because they felt they could contribute in evangelical works as pastors by preaching the word of God through Christianity.

Although the various post-apartheid governments have carried on with some of the restrictive immigration practices of the apartheid period, there are more West Africans who are still using every avenue at their disposal to travel to South Africa based on the bush falling phenomenon.

Documentation plays a fundamental role in how West Africans travel to South Africa and also determines how and in what ways these immigrants legalize their stay in the country. The immigrants have to obtain passports and secure travel visas. Once in the country the documentary process moves along the lines of extending these visas and obtaining various paper rights to legalize their stay in the country. The next chapter will more directly explore the documents needed to travel.

CHAPTER TWO

The Quest for Paper Rights

Introduction

Documentation plays a vital role when it comes to immigration and has for a long time been a prerequisite for traversing international borders. It is important for both the immigrant and the destination country. For the immigrants, documents provide identification which facilitates their travel and stay where they intend to immigrate to. In some instances these documents disqualifies them from travelling to countries they intend to go, or reside in.¹For the destination countries the documents which immigrants possess, provide information to assess the eligibility of these people to travel into the country. For those who are already in the country, documentation becomes a pivotal aspect in the formulation of state immigration, socio-economic and diplomatic policies.²For West Africans to travel to South Africa, they needed to be in possession of travel documents. Even those who came in clandestinely needed identification documents to be able to go through several countries before getting into South Africa. While in South Africa, their stay was determined by the type of documents they obtained from the Department of Home Affairs. To many West Africans, getting the right documents to legalise their stay in South Africa became a struggle.

The first part of this chapter will focus on a critical examination of documentation needed by West African immigrants in Cape Town, with more emphasis on the type of visas these immigrants used or were granted to gain entry into South Africa, how they were obtained and how they were used. It probes into the means and channels these immigrants used in acquiring travel visas and also investigates the role played by consular services in the granting of visas.

The second part of the chapter will elaborate on the type of permits which these immigrants acquired to legalise their stay. It probes into the documentation and the various types of permits West African immigrants needed and obtained to be legal residents in South

¹Being in possession of a Cameroonian passport before 1994 was automatically a disqualification from travelling to South Africa as that particular document allowed the bearer to travel to other countries except the Republic of South Africa. See fig. 1

²Uma Dhupelia-Mesthrie. (ed) *Paper Regimes. Kronos 40* (South African History, November 2014). 11-12.

Africa. It examines how these permits were obtained by these immigrants and how they were processed, in some cases delayed or turned down Home Affairs officials.

The formation of nations and states, demarcated by national boundaries (sometimes imaginary), led to the establishment of national and at times regional identification mechanisms. In the distant past, identification was based on race, ethnicity, language and colour but as time went on, it became more reliant on documentation.

As the world embraced increasing globalisation so too were changes in the concept of residency, nationality and citizenship. Immigration policies in many countries across the globe made provision for immigrants who met certain criteria to traverse international borders or acquire residency or citizenship in countries where they were not originally from. These and other factors made the documentation of people for identification purposes inevitable. People are documented from the moment they are born (birth certificate, to passport or travel documents, student ID, national ID, work ID, Driver's licence etc.), till when they die with the death certificate. The beginning and registering of people could be traced to the early medieval transition from oral to written procedures in Europe through which documentation was seen as a reliable means for taxation, book-keeping and the ownership of property. As explained by Caplan and Torpey, documentation then spread as a means of personal identification to property, signatories or witness to a contract.³

To emigrate, people are required to be in possession of certain documents permitting them to legally have entry into the country they intend going to. In the case of West Africans who were leaving their countries for South Africa, they were required to have a valid passport in which had been endorsed a visa, granting them the right of entry at any port of entry in South Africa.⁴ Immediately after 1994, the South African government had just established diplomatic relations with countries on the continent including West African countries. In most of these countries there were no consular services to generate visas for those intending to travel to South Africa. Provisions were made for people at that time, to receive permits at ports of entry after providing documents proving their acceptance to get into the country.⁵

³Jane Caplan and John Torpey (ed), *Documenting Individual Identity: The Development of State Practices in the Modern World*. Princeton University Press, Princeton and Oxford, 2011, 2.

⁴*Government Regulation Gazette Republic of South Africa*, No 10199, Vol.587 Pretoria, (22 May 2014)

⁵*Government Regulation Gazette Republic of South Africa*, No 10199, Vol.587 Pretoria, (22 May 2014).

With time most of these countries had a South African embassy or a consulate which made it compulsory for people to have visas placed in their passport before leaving their country.⁶ All categories of visas were open to West Africans but most of them applied for the visitor, study, work, business and to an extent the tourist visas. From the moment these individuals declared their intention to travel by applying for a visa, the consular service of the destination country started documenting them. The reasons and purpose of their travel, their financial standings, the intended duration of their stay, lack of a criminal record and having a clean bill of health became a prerequisite for the granting of a visa. All this information was recorded and stored for future use even if the visa was not granted.

Type of visas West Africans obtained to gain entry into South Africa

West Africans who came to South Africa before 1994 were mostly skilled professionals. During this period, the diplomatic relations between West African states (as well as many countries in the world) and South Africa had been severed in opposition to the apartheid practices of the government at the time. The victory of the Nationalist Party in South Africa in 1948 and its apartheid policies brought about the break down in relations between South Africa and many African countries.⁷ Invoking Nigeria as an example, Agbu et al stated that ‘Prior to Nigeria’s independence in 1960, the volume of trade between Nigeria and South Africa stood at £1.006, 938 million pounds in 1959. This increased to £1, 018, 550 pounds in 1960 and South Africa was invited to participate in Nigeria’s independence celebration.’⁸This prospering relationship turned sour when the Balewa regime in Nigeria took action condemning the Sharpsville massacre of March 1960 and expressed its dissatisfaction and opposition to apartheid policies in South Africa. Nigeria led the call for the withdrawal of South Africa from the Commonwealth of Nations in 1961, expelled the South African Dutch Reform Church from Nigeria and cancelled contracts that were awarded to South African companies operating in Nigeria.⁹The passports that some West Africans had during this period allowed them to travel to every other country except South Africa. (See figure 1, chapter 1).They usually went to the former homelands where their services were

⁶See Interviews with Amos, 10 March 2016, Musa, 27 March 2016, Frank, 28 May 2016 and Ike, 26 February 2016.

⁷Osita Agbu et al, ‘The Foreign Policy Environment in Nigeria and implications for Nigeria-South Africa Relations: Baseline Study’, *South African Foreign Policy Initiative Brief No 54*, (December 2013), 1-2.

⁸Ibid, 1.

⁹Ibid.

needed and also because the apartheid government to an extent permitted it.¹⁰ Granting the homelands of Transkei, Ciskei and Bophuthatswana nominal independence in the 1980s, made it possible for much needed skills to be imported from countries whose people the apartheid regime considered as ‘undesirables’. People from West Africa travelled to the Homelands where they secured jobs.¹¹

Immediately after 1994 there was a continuation of the entrance of professionals into South Africa, a majority of them stayed in Johannesburg from where they gradually started venturing into other provinces and towns including Cape Town. This period saw more people coming into the country to tap into the vast business opportunities on offer.¹² The media and related industries from the African continent were lured to South Africa during this period as most of the laws restricting them had been relaxed. There were stories to be told and the West African media was part of this frenzy for the much sought after stories and news about events that were unravelling in South Africa.¹³ A country that had been isolated from the international community was now embraced by many on the continent and opened her doors to those who could not gain access into the country during the period of apartheid. Also in celebration of and in solidarity with the liberation of South Africa, were artists from all corners of the African continent. The readmission of South Africa into the sporting fraternity saw many West Africans coming into the country as professional sports men and women or to participate in sporting events hosted by the country.¹⁴ With these sports men and women, were their supporters or fans and also sport officials.¹⁵ Sporting activities have been used by many West Africans as an avenue to immigrate globally.¹⁶ There are a couple of West Africans who because of their sporting abilities became sports legends in South Africa after 1994. They include people like Roger Fuetmba of Mamelodi Sundowns, Greg Etafia of Bloemfontein Celtic and Willy Okpara of Orlando Pirates.¹⁷ There were those who came in as

¹⁰Peiter Kok et al, *Migration in South and Southern Africa: Dynamics and Determinants*, (Human Science Research Council, HSRC Press, Cape Town 2006), 15.

¹¹Robert Mattes et al, ‘The Brain Gain: Skilled Migrants and Immigration Policy in Post-Apartheid South Africa’, *The Southern Africa Migration Project*, (Migration Policy Series No. 20 Cape Town 2000), 10-11.

¹²Dianna Games ‘The Experience of South African Firms Doing Business in Africa: A Preliminary Survey and Analysis’, *The South African Institute of International Affairs*, Business in Africa Report No. 1, 2004, 11-18.

¹³Libby Lloyd, *South Africa’s Media 20 Years after Apartheid*. A Report to the Centre for International Media Assistance, (July 17, 2013), 12-14.

¹⁴See John Nauright, *Sports, Culture and Identities in South Africa*. (London, Leicester University Press, 1997).

¹⁵See James Emmett, *From the Achievers: History of Sports – South Africa Emerges from its Dark Past*. SportsPro, December 2013.

¹⁶<http://www.dailymail.co.uk/news/article-2000347/Entire-African-football-team-hunted-immigration-officials-disappear-France.html>. 8 June 2011.

¹⁷Anthony Ham et al, *West Africa* (Footscary, Vic., Lonely Planet, 2009), 4-14.

tourists to experience the beauty and rich heritage of this forbidden territory which they could in the past only read about or see through images provided by the media and the press.¹⁸

Sam (not his real name) from Cameroon came to the South Africa in December 1999 with a tourist visa. In response to how he obtained his visa to South Africa, Sam explained:

At the time, I left Cameroon [in] December of 1999, there was no diplomatic relations between Cameroon and South Africa[in the form of an embassy or consulate] so the nearest embassy was in Gabon. So I sent my visa application to Gabon and it was granted. So I flew from Cameroon to Johannesburg on South African Airways flight and I was given a three months' visa and then I continued my journey to Cape Town. I was applying to come to come to South Africa as a visitor. It is only here that I unveiled my intention of leaving Cameroon and why I chose to come to South Africa...I came like a tourist... I went through an agent, given that the embassy was not in Cameroon, it was in Gabon. It was [a] three months' visa. [I had] no confrontation [with immigration officers at the airport in Johannesburg] because I had a list on which there was my name from the South African embassy in Gabon which was known by the immigration authorities in Johannesburg. So as soon as I got there I presented that list. They just took that list gave a police officer [immigration officer] who went into a room there at the airport and then came out with my passport with the visa, then it was stamped and I continued.¹⁹

From the interview with Sam, we find that in the absence of consular services in some countries those who wanted to travel depended on the services of agents. These agents in their capacity as middlemen played a major role in determining what type of visas these people should apply for. Compared to a business or a study visa, the tourist visa was cheaper to secure and that was what Sam went for. Sam's story is replicated by that of Rene who obtained a visitor visa through an agent and only got the proper visa (port of entry visa, see figure 2) placed into his passport in Johannesburg.

¹⁸See Richard Butler and Wantanee Suntikul, *From Apartheid to a Managed Revolution: Tourism Development and the Transition in South Africa* (Woodeaton, Oxford, Goodfellow Publishers limited, 2010.)

¹⁹Interview with Sam, 29 February 2016.



Figure 2: Cameroon Passports which carry a control stamp dated 31 December 1998 stating that this individual left the country through Douala Airport on that date. In it is a Business visa which was issued on the 17 November 1998 in Pretoria. Since it was issued in Pretoria, South Africa it is a port of entry visa as the individual only had it placed in his passport in a South African port of entry. There is also a Temporary Residence Permit which is valid for a period of one year and stipulates two major conditions the bearer must adhere to. It states that the bearer is prohibited from changing the purpose of his entry and he will be charged a fee if he wishes to extend his stay. On that permit is a stamp date 31 December 1998 which indicates the date the individual entered the country through Johannesburg Airport.

Most of the above mentioned category of people came into the country on the premise of staying for a short period of time owing to the description of the activities they intended carrying out. They were mostly issued a visitor's visa not exceeding a period of three months. As stated in the Immigration Act of 2002, section 10, the visitor's visas are issued to people who come into the country for a short period such as spouses, children and relatives of those with resident permits, visiting lecturers and academics, journalists, tourist, artist, media crew, people in the entertainment industry and a foreigner who is in the country to testify in a trial as a state witness.²⁰ As we will find out later, some of these people exceeded the stipulated duration of their stay as they sought other avenues to remain legally in the country.

²⁰*Government Regulation Gazette, Republic of South Africa*. No 10199, Vol. 587 Pretoria (22 May 2014), 19.

South African universities were ranked among the best on the continent. Students, some of whom could not get admission in western universities or colleges turned to South Africa to further their studies. With changes in the policies of educational institutions in South Africa, previously disadvantaged students could now gain admission in institutions of higher education which did not accommodate them before. This also applied to students from West Africa who found it cheaper and easier to study or get admission into South African universities, as compared to western institutions of higher education.²¹ For West Africans who had attained the required level of education, it was easy to apply and have a study visa to study in South Africa.²²

Interviews with Ike and Foukou reveal how they went about securing study visas (see figure 3) to travel and eventually study in South Africa. Ike explains that for someone like him who had obtained an undergraduate certificate, it was easier and more convenient to acquire a study visa. Having the study visa meant avoiding the challenges which those who came with visitor's visas faced. These visitor's visas allowed the bearer a short period of stay, usually a maximum of three months after which the bearer needed to go for an extension or apply for another permit to stay legally.²³ Confirming this, Ike said 'I wanted a more concrete avenue that will give me a longer period to pursue my goal... I did apply for admission on campus and in schools. I was given admission in a university in Cape Town'.²⁴ He claims his main objective to travel to South Africa was to do missionary work in the capacity of a preacher stating that 'I am a Christian and I believe in conservative teachings of Jesus in contemporary times, so I came here as a missionary to declare the gospel and then also to study'.²⁵ Ike's case is an example of individuals opting for the most convenient visa in order to gain entry for other purposes.

Getting admission to study was one thing but obtaining a visa meant going through a process of documentation to meet up the with immigration requirements. After getting his letter of admission to study in a South African university, Ike went to the South African embassy in Lagos where he was given a list of the requirements for application of his study visa. He completed an application form which was to be accompanied by supporting documents. He

²¹See Kiran Odhav, 'South African Post-Apartheid Higher Education Policy and its Marginalisations: 1994-2002'. *SA-eDUC Journal* Volume 6, Number 1(August 2001), 33-57

²²*Government Regulation Gazette, Republic of South Africa*, No 10199, Vol. 587, Pretoria, (22 May 2014), 21. Also see Interview with Ike, 26 February 2016 and Foukou, 28 May 2016.

²³Interview with Ike, 26 February 2016.

²⁴Ibid.

²⁵Ibid.

had no problem with providing documents that were to be obtained from Nigeria. His difficulty was to acquire or meet up with consular requirements like medical insurance and accommodation that he had to secure in South Africa. As easy as it may seem through technological advancement, communication and financial transactions do not need the physical presence of the parties involved. That was not the case with Ike and others who come from West Africa. Most of the people found it difficult to do online financial transactions. For this reason, it was a problem for Ike to get and pay for medical insurance in South Africa as well as to secure accommodation. He had to embark on a strategy to secure these documents. He explains:

[For] the insurance I had to link up with a friend, a friend through a friend. He was staying in Cape Town and he got me hooked up with one Momentum insurance something online, so it was not really easy because there had to be a lot of interactions online, so eventually I had to pay into a friend's account who eventually paid on my behalf in South Africa and also had to pay for an accommodation that I have not yet occupied to prove that I will get a place to stay.²⁶

After submitting the documents at the embassy, Ike never went through a proper interview by consular officials. Ike felt that they must have verified with all the sources to guarantee the authenticity of the information and documents he gave. It took three months for his visa to be out granting him one year duration.²⁷ (See Figure 3)

At the airport in Nigeria his point of departure, there was much paper work and grilling by immigration officers seeking to know the reasons for his travel and his ability to sustain himself for the period of his stay in South Africa. In contrast and surprisingly, in Johannesburg the port of entry, it was easy going through immigration with little or no hustles with officials as compared to the bureaucracy at Lagos airport in Nigeria. Ike had an embarrassing encounter with security workers though: 'I was at a point searched when there was an allegation of a lost property.'²⁸ The encounter got him wondering if it was because of where he was coming from as there is there is the general perception that people of his region where likely to be criminals.

Foukou on his part recounts that:

²⁶Ibid,

²⁷Ibid.

²⁸Interview with Ike, 26 February 2016.

I had a friend with whom we were in University together who was now studying in South Africa. She asked me why I could not come to South Africa to continue my studies. She told me South Africa has very good universities and it will be of much good on my CV if I studied here. So she advised me on what to do to be able to study here. Since I did my studies in French, she advised me to first take a course in English. So I applied for a one year English course in Cape Town. I got accepted then I paid for the course and I received a letter of admission in January 2011 and I started processing my visa which came out in February 2011.²⁹

We find the role of kinship to be important in the immigration experience of West Africans as aspiring immigrants relied on information and directions from kin and friends to be able to make the decision to travel. Like Ike, Foukou had to go through the process of applying for a visa after receiving a letter of admission to study in South Africa. The requirements were the same as Ike's and he also faced the issue of accommodation and medical insurance in South Africa. But unlike Ike, officials at the South African embassy in Cameroon understood the difficulties involved in obtaining a medical insurance from South Africa and made provision for him to sign an affidavit stating that he would get insurance within three months of arrival in South Africa.³⁰ He was also asked to pay a repatriation fee³¹ which was meant to cover the cost of repatriating the individual if he or she becomes illegal in the country. Foukou also needed to provide a bank statement proving that he had enough funds to cover his study and stay in South Africa. He depended on his father for sponsorship. But his father who was running a small business, never had a bank account because whatever profit was made out of the business was just sufficient to sustain the family and keep the business afloat. Thanks to his aunt who provided her bank statement as financial cover, Foukou could provide proof of financial viability and could also raise the money for the repatriation fee.³² This signifies the role played by family members. It indicates that assisting a member of the family to immigrate became the duty of the entire family.

²⁹ Interview with Foukou, 28 May 2016.

³⁰ Ibid.

³¹ The repatriation fee is refundable when the individual returns to his home country with the intension of not returning or at the expiration of the visa.

³² Interview with Foukou, 28 May 2016.



Figure 3: A Nigerian Passport in which has been endorsed a study visa from the South African embassy in Lagos, Nigeria. The visa sticker carries the official seal of the Department of Home Affairs. It has control number, a barcode and the signature of the Director General of Home Affairs. It states that it is a study visa and the institution where the holder has to study. It stipulates that it is a Temporary Residence Permit and the duration of its validity.

Capitalising on the prerogatives given to people who were coming to South Africa for training and educational purposes, some West Africans exploited this platform to fulfil their dreams of immigrating. They obtained visas to do short courses or training programmes, or to attend conferences or seminars, and when in South Africa looked for other means to prolong their stay. This is how Paddy from Cameroon travelled to South Africa. He explained that since he was fleeing from political persecution he was in hiding all the time his visa to South Africa was being processed. The sister who was based in Cape Town was instrumental in securing a letter of invitation for him to attend a seminar in Cape Town. It is the invitation to attend the seminar that was used to apply for his visa.³³

³³Interview with Paddy, March 2016.

Paddy never made a single appearance at the embassy during the entire process of his visa application. Someone (whom he is not willing to reveal his relationship to) did everything for him and he only got his passport with a visa to attend the seminar. He succeeded in travelling to South Africa which was his goal but on the pretext of attending a seminar. He was granted a visitor visa which, by the time he came to South Africa, was valid for only eleven days.³⁴

There were those who could not get visas to travel to or get into South Africa but decided to do so clandestinely. They worked through illegal networks which got people into Mozambique and from there into South Africa. Andrew MacDonald explains how the Mozambique border had been the back door for illegal immigration into South Africa as far back as the 1920s. This was when the Union had in place immigration restrictions not only on African immigrants but also Asians and poor Europeans.³⁵ West Africans who entered illegally through Mozambique could only legalise their stay by applying for asylum. Amos from Cameroon after several attempts to get a visa to South Africa, eventually decided to immigrate clandestinely. He described how and what he went through to get into South Africa. After graduating from university with a bachelor's degree, the aspiration of Amos was to immigrate to a country where he could seek better opportunities. He attempted twice but failed to obtain firstly a visitor's visa in January 2011 and secondly, a study visa in September that same year. His application was turned down the first time because he could not provide enough proof that he had the necessary funds to cover his stay in the country. Relentlessly, and in desperation, he decided to embark on a journey that took him across several African countries to get to South Africa.³⁶ Amos explains:

I left Cameroon for Tanzania since it was visa free. I paid 45 US dollars at the airport in Tanzania where I was given three months' visa to stay there. I went to the Malawian embassy in Tanzania and applied for a Malawian visa where I was given a one month Malawian visa to stay in Malawi, so I left Tanzania to Malawi. I stayed in Malawi for two weeks. Then my friend told me I must pass through Mozambique. So I left Malawi from Blantyre took a bus to the Tanzanian border, the Zombo border where I applied for a visa to Mozambique, there they gave me a one-month visa to Mozambique. Then I travelled from Zombo border to Tete, a town in Mozambique, from Tete to Maputo. When I arrived [in] Maputo a friend of mine picked me up at the bus station. I stayed in Maputo for five days and I entered into South

³⁴Ibid.

³⁵Andrew MacDonald, 'Forging the Frontier: Travellers and Document on the South Africa-Mozambique Border, a890s-1940s' in Uma Dhupelia – Mesthrie (ed) *Paper Regimes, Kronos 40*, November 2014, 158.

³⁶Interview with Amos, 10 March 2016.

Africa, through the Mozambique-South African border... We crossed through the bush without passing through the border post. That is March 2014, I got into South Africa. I had somebody waiting for me there by the border.³⁷

Amos is one of many who in desperation to get into South Africa took risky and unconventional journeys to arrive their destination. We find the role of kinship and networks in play here as he obtained directives from his friend in Cape Town on which routes to take and who to contact when need arose. His route took him through three different African countries to eventually get into South Africa. Once in the country he joined many like him who would then struggle to legalise their stay.³⁸

The influx of immigrants into South Africa both legally and clandestinely, became a matter of concern for the government. In addressing these concerns, stricter immigration laws were put in place which made it difficult for people to obtain visas into South Africa. This led to the development of illegal networks which facilitated the entry of immigrants.³⁹ For those who were already settled in South Africa with a permanent residence status or citizenship, it was easy to apply and secure a relative's visas for a period not longer than two years for their immediate relatives (spouses, children, siblings and parents)⁴⁰ and for their friends and kinsmen,⁴¹ they could file in a letter of invitation with the Department of Home Affairs securing a visitor's visa with a maximum duration of three months.⁴²

When it came to a work visa, very few West Africans in Cape Town actually came into the country through that means. The few were mostly in the medical and teaching professions. The recommendations for a work visa are different from other visas. According to section 18 of the Immigration Act of 2002, the applicant for a work visa must first of all secure a job in South Africa and needs a written undertaking from his/her employer accepting responsibility for any deportation cost related to the applicant and his/her dependants. He/she has to provide a certificate from the Department of Labour in South Africa confirming that

³⁷Ibid.

³⁸Ibid.

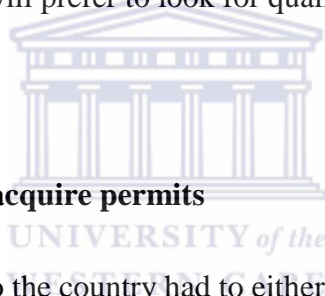
³⁹Andrew MacDonald, 'Forging the Frontiers: Travellers and Documents on the South African – Mozambique Border, 1890s - 1940s' in Uma Dhupelia-Mestherie, (ed) *Paper Regimes*, *Kronos* 40, November 2014, 154-177. Also see Interview with Amos, 10 March 2016.

⁴⁰See *Government Regulation Gazette, Republic of South Africa*. No 10199, Vol. 587 Pretoria (22 May 2014), 26.

⁴¹Annett Fleischer, 'Family, Obligations and Migration: The Role of Kinship in Cameroon', *Demographic Research Volume 16*, May 2007, 413-440.

⁴²See *Government Regulation Gazette, Republic of South Africa*. No 10199, Vol. 587 Pretoria, 22 May 2014, 19.

the prospective employer has been unable to find a suitable South African citizen of a permanent residents with qualifications, skills and experience that are equivalent to those of the applicant. The salary and benefits offered to the applicant must not be less than that of citizens and permanent residents in a similar position in South Africa.⁴³ These conditions become difficult for many West African aspiring immigrants to fulfil. It also becomes time consuming and expensive for prospective employers who most of the time can find qualified immigrants who have already found their way into the country. Although those in the country might not have work permits, it is easier to apply for it if that individual has legal status to be in the country. This is how Sam from Cameroon obtained his work permit after being a refugee for four years. He had a refugee status but he was required to have a work permit to work for a certain company. Sam explains that, ‘: I picked up a job with a company and they required that I had a work permit, so they gave me a letter which I took to Home Affairs then they issued me with a work permit and it was only then that I could start working for this company’.⁴⁴ So most employers will prefer to look for qualified workers like Sam who are already in the country.



The struggle to extend visas or acquire permits

Immigrants who came into the country had to either apply to extend their visas on expiration or apply for a different type of permit which would grant them the legal status to stay in the country. The immigration laws made provision for people to extend their stay after their visas had expired and this was based on their ability to meet up with certain requirements confirming their eligibility.⁴⁵

For those who had secured student visas for the purpose of studying in a South African institution of learning, there was the need to provide proof that they would be continuing with their studies either by providing a letter from the institution confirming extension of the period of studies, or readmission/admission for further studies in the same institution or any other institution in South Africa. This had to be done by applying for an extension through the Department of Home Affairs who also required, the applicant to provide proof that he/she had the finances to sustain his/her stay for the duration stipulated,

⁴³See *Government Regulation Gazette, Republic of South Africa*. No 10199, Vol. 587 Pretoria, 22 May 2014.

⁴⁴Interview with Sam, 29 February 2016.

⁴⁵Ibid.

was of good health and had medical cover and did not fall under the category of undesirables (these are people who have overstayed their visa) as stipulated by the immigration legislation.⁴⁶ Ike from Nigeria and Foukou from Cameroon, share their experiences of how they had to go through the process of extending their study visas after the stipulated period was about to expire. Ike, who had a one-year study visa, came into South Africa with only six months left for his visa to expire. He did not encounter many difficulties in extending his visa. He was faced with one problem. He had to provide a police clearance certificate from Nigeria as one of the documents required for the extension of his visa. He said, ‘the only thing I found hard to comply with was the need for a police clearance from my country having been here about six months’.⁴⁷ There seems to be no logical explanation for the demand of such a document from someone who provided one at the South African embassy before leaving Nigeria. It was clear that he had not returned to Nigeria since he got into South Africa. It is possible that the individual could have gone home for a short while, same as it is also possible that he could have gone to some other country. Should the request not be for the individual to provide a police clearance as to where he had been for the period in demand? For Ike, it is not just unnecessary bureaucracy but also a financial burden on whoever has to secure such a document. He contacted the Commissioner of Police of his home town and requested a police clearance which was posted to him.⁴⁸

For Foukou, extending his visa was a nightmare and because of errors which were not of his making he was affected enormously. Foukou had a one-year study visa which was about to expire after he completed an English language proficiency course to enable him to study at any higher institution in South Africa. He applied for admission to study at the University of the Western Cape which was granted and with the admission letter he easily extended his visa for a period of two years. When it came to documents, the difference between applying for a visa in his home country and extension of that visa in South Africa was that there were additional documents like a medical report and a police clearance from South Africa. Although these documents were not difficult to get, it needed money. Foukou had to pay R300 at a private hospital to obtain the medical report and needed to pay R90 as postage fee for his South African police clearance since it had to come from Pretoria. Apart from those two he had to submit the same documents he submitted when applying for the visa. His only worry was the same issue raised by Ike about the police clearance from his

⁴⁶Ibid.

⁴⁷Interview with Ike, February 2016.

⁴⁸Ibid.

country.⁴⁹ His more serious dilemma started when he had to apply for a second extension of his study permit. It took him two years to complete his Honours degree and after that he was granted admission by the University of Cape Town to do the Post Graduate Certificate in Education (PGCE) programme so he needed to apply for an extension of his visa.⁵⁰

With all the right documents and requirements demanded by the Department of Home affairs, Foukou did apply for the second extension of his study permit at the Home Affairs in Cape Town in December 2013. By March 2014 his permit was issued but there was an error in it. The passport he used when applying for his visa in Cameroon and when applying for his first extension had expired and he had acquired a new one. It is the new passport that he used when applying for the extension. When the extended visa came out, it carried the old passport number. With this error the visa could not be endorsed into the new passport. Immigration officials assured Foukou that ‘it was a small problem. You just have to apply for a transfer’.⁵¹ The rectification process did not take too long, just four months. However, more trouble awaited Foukou.

Surprisingly, when Foukou received the new visa, this time he had been issued with a visitor’s permit instead of a study permit. To make matters worse the permit was to expire a month after he got it. Acknowledging their mistake, at the Department of Home Affairs he was made to understand that it was not a big issue. Officials explained that he just needed to apply for a rectification and since it was an internal process it would take about two weeks for the problem to be resolved. Foukou did just that but this was the beginning of his nightmare. It is almost a year since he originally applied for this extension. He had completed the PGCE programme and had been accepted to do his masters at UCT. He needed to go for another visa extension that would cover the period that he would be doing his masters but this could not happen because the problem of the other visa has not been rectified. After several visits to the Department of Home affairs to inquire about his situation he was asked to continue waiting. In January 2015, technically Foukou was an illegal immigrant. He went to the Department and this time he met with the Deputy Director at the Cape Town office. He acknowledged that what was happening was not Foukou’s fault but there was nothing he could do. They would have to wait until the head office in Pretoria resolved the problem. This

⁴⁹Interview with Foukou, 28 May 2016.

⁵⁰Ibid

⁵¹Ibid

came as a blow to Foukou, he explains that, ‘In the meantime, I was blocked because I could not do anything. My permit was expired, my bank account frozen, I could not receive money; I could not apply for anything. I was just waiting for a permit which was not forthcoming and no one was telling me what to do.’⁵² He could not register for his master’s programme at UCT, access his funds in the bank or get employment. With little or no money to sustain him, his life was crumbling. After numerous inquiries and correspondence with official at Home Affairs it came to his knowledge that with all the pandemonium, he could apply for another extension to his permit explaining and justifying where the error came from initially. He did so and the matter was resolved where he was issued with the right study permit but it was too late for him to register for his master’s programme.⁵³

He was lucky to have secured a job with a school as a teacher after applying with the PGCE qualification he obtained at UCT. Here again he faced another stumbling block because the institution in question needed a work permit and not a study permit for him to qualify for the job. With proof of his woes and struggle with the Department of Home Affairs, the institution gave him temporal employment on the condition that he resolved his problems at Home Affairs. It was at this stage that he applied for a critical skill permit which was turned down on the technicality that the job he had as an educator did not qualify him for critical skills. He was advised to apply for a general work permit which he did with the assistance of a legal practitioner. At the time of the interview he was awaiting the outcome.

The experience of Foukou is a display of the incompetency of officials and nonchalant culture in the Department of Home Affairs especially when it comes to immigrants from the African continent. Amit and Kriger arguments about street level bureaucracy are appropriate here. ‘The [Department of Home Affairs] has both relied on and sought to undermine documentation attempts as part of its migration management efforts. These shifting practices reveal an official ambivalence toward granting foreign migrants documents and the rights that accompany them. Ensuring that foreign migrants remain undocumented fulfils the DHA’s objective of facilitating their removal’.⁵⁴ Looking at it from this perspective, Foukou is justified in his assumption that there is a deliberate mechanism in

⁵²Ibid.

⁵³Ibid.

⁵⁴Roni Amit and Norma Kriger, ‘Making Migrants ‘Il- legible’: The Policies and Practices of Documentation in Post-Apartheid South Africa’ in Uma Dhupelia-Mestherie, (ed) *Paper Regimes, Kronos 40*, November 2014, 269.

place for some Home Affairs officials to frustrate immigrants and if that is the intention, then it had the correct results as many West Africans left for their home country or other destinations in frustration.⁵⁵ This view is also supported by Segatti and Landau.⁵⁶

Most West Africans came into South Africa with visas which permitted them to stay in the country for a short period of time. There were also those who came in illegally or clandestinely. All these people needed to obtain permits formally granting them legal status to stay in the country. Some of these immigrants came in with a visitor's visa as tourists, for medical purposes, to attend conference or seminar, as sports men and women and also as crew members of a company or group, working in or visiting South Africa. After their visas expired they sought other avenues to prolong their stay. The easiest and most exploited route to legalise their stay was applying for refugee asylum.⁵⁷ This was reflected in a speech made by the Minister of Home Affairs, Malusi Gigaba, on World Refugee Day (20 June 2016), where he emphasised the fact that 'economic migrants had used the asylum regime to regularise their stay in South Africa'.⁵⁸ While there are genuine cases of people fleeing the region because of political or religious persecution or oppression, this becomes difficult to prove as the picture is that most West African countries have relatively stable governments.

South Africa only became party to the United Nation's 1951 convention relating to the status of refugee and its 1967 Protocol on Refugees on the 12 January 1996.⁵⁹ The apartheid government is known to have granted refuge to people of Portuguese origin fleeing the war in Angola in the 1970s before returning to Portugal. When Portuguese colonial rule ended in both Angola and Mozambique, the apartheid government granted many of these people of Portuguese ancestry the right to permanent residence and citizenship. The civil war that ensued in Mozambique after independence sent many Mozambicans running to South Africa to seek refuge. These black Mozambicans were not given the same treatment as their Portuguese counterparts, despite the fact that their fellow countrymen had been working

⁵⁵Interview with Foukou, 28 May 2016.

⁵⁶Aurelia Segatti and Loren Landau (eds), *Contemporary Migration to South Africa*, 105, 118.

⁵⁷See *Regulations to the South African Refugees Act*, Government Notice Department of Home Affairs No. R366, 6 April 2000. Also see Interviews with Rene, 16 March 2016. Amina, 27 March 2016, Paddy, 13 March 2016 and Sam, 29 February 2016.

⁵⁸Ernest Mabuza, 'Economic Refugees Abuse South Africa's Liberal Asylum Regime'. Sunday Times, 20 June, 2016.

⁵⁹States Parties to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol. United Nations High Commissioner for Refugees

(legally and illegally) in the mines and fields for decades. With plans to repatriate Mozambicans fleeing from war by the apartheid regime in the 1980s, the leadership of the Bantustans negotiated with the government to take in the Mozambicans. But those who were outside the homelands were subject to arrest and deportation.⁶⁰ Through the intervention of the UNHCR, there was a voluntary repatriation programme for Mozambican refugees which registered undocumented Mozambicans and issued what was known as Voluntary Administration Repatriation Form (VARF) which gave them some sort of identification and protection from deportation until they were ready to return home.⁶¹

After apartheid came to an end in 1994 and with South Africa signing and ratifying both the United Nations 1951 Convention relating to the Status of Refugees and the OAU Convention of September 1969 governing the specific aspects of refugee problems in Africa in 1996, there was an influx of refugees into the country from every corner of the African continent and beyond. Most West Africans who came into the country either legally or clandestinely and wanted to prolong their stay, turned to the option of seeking refugee asylum. Since most of these people were not fleeing from some natural disaster or conflict, it became difficult for them to easily acquire refugee status like their counterparts from Somalia, DRC, Burundi or Ruanda. Their cases had to be thoroughly investigated by Home Affairs immigration officers before they could be officially recognised as refugees. Most of them stayed on the asylum seeker permit for years. To qualify for refugee status, the applicant had to first of all be issued with an Asylum Seeker Permit to render him or her legal in the country providing time for Home Affairs officials to adjudicate on the application. After the process of adjudication, the individual was either granted formal recognition as a refugee or not. If successful a Refugee Permit was issued.

To most West Africans, acquiring these permits was a struggle and extending them sometimes was a nightmare. The requirements and procedures stipulated in the various Immigration Acts were quite simple to follow, but the implementation and interpretation of these Acts is what the Department of Home Affairs and some of its official are grappling with. Most of the offices in the Department of Home Affairs, especially those dealing with

⁶⁰Wentzel M.E., 'Historical and Contemporary Dimensions of Migration between South Africa and its Neighbouring Countries', Unpublished paper delivered at HSRC Migration Workshop, Pretoria 17-20 March 2013.

⁶¹Jonathan Crush and Vincent Williams, 'The Point of No Return: Evaluating the Amnesty for Mozambican Refugees in South Africa'. *Southern African Migration Project Migration Policy Brief No. 6*, 2001.

immigrants and particularly refugees, are understaffed and ill-equipped to deal with the large number of people calling at their offices. It is practically impossible for these immigration officials to correctly and judiciously work on each applicant or serve each immigrant that comes to his/her desk. Home Affairs offices that deal with immigrants have to employ the services of security guards for the sole purpose of keeping order on the queues that immigrants have to form to process their applications or to extend their permits. The difficulty in dealing with these large number of people leads to backlogs that find people becoming illegal for months just trying to get their application through, or staying for more than the stipulated time one has to stay on a particular permit, or being illegal because their permits could not be extended by officials due to the large number of people or denied the right to acquiring a change of status after a certain number of years because of backlogs in applications.⁶² Vigneswaran explains how the Department of Home Affairs is logistically ill-equipped to properly handle and deal with the number of immigrants that comes into the country.⁶³

Klaaren and Ramji using the example of the Refugee Reception Office in Braamfontein, explain how as a result of the large numbers of people that turn up in quest for documents, most of them are never attended to and they are forced to become illegal immigrants.⁶⁴ The impossibility to treat every application or serve all the applicants that turn up each day led to the developing of unconventional mechanisms to manage the situation by both the immigrants and Home Affairs officials. In frustration, some of these immigrants turned to unscrupulous home affairs officials to jump the queue or illegally secure permits. Exploiting the position where these desperate immigrants found themselves, some corrupt individuals like lawyers, immigration officers and translators in the Department of Home Affairs and even agents who walked the corridors of Home Affairs offices but who are not employees, extorted large amounts of money from these immigrants for them to obtain papers which legally are due to them. This situation also made most officials to take or make decisions which were not as prescribed in the constitution or Immigration Acts. They, at their discretion gave or denied the right of immigrants to own legal papers.

⁶² Interview with Amina, 27 March 2016.

⁶³ Darshan Vigneswaran, 'Migration Control, Documentation and State Transformation' in Aurelia Segatti and Loren Landau (eds), *Contemporary Migration to South Africa* (Africa Development Forum, 2011), 106-110.


⁶⁴ Jonathan Klaaren and Jaya Ramji, 'Inside Illegality: Migration Policing in South Africa after Apartheid', *Africa Today* (Indiana University Press, 2000), 44.


Sam who came to Cape Town in 1999 with a three-month visitor's visa as a tourist needed to extend and legalise his stay. He opted to seek for refugee asylum which he did in accordance with section 22 of the Refugees Act No.130 of 1998 (See Figure 4). Sam explained that a few days after his arrival in Cape Town, the friend who received him took him to the Refugee Reception Office to apply for an asylum seeker permit before his tourist visa expired. It was an easy procedure for Sam as the asylum seeker permit was granted to him on the same day he applied with a validity of three months. The permit also prohibited him from taking employment or study. Sam had to go for the extension of his permit every three months for four years (from 2000 to 2004) when the adjudication process was completed and he was granted formal recognition as a refugee (See figures 5 and 6). I asked Sam why it took four years to resolve his status. Sam explained:

One of the problems I think was there is the fact that there are too many refugees and very few people to attend to, because normally from the very first day I was told that as soon as I am interviewed and the interview happened about six months later, within a month of the interview I will get the outcome. But then the outcome only came about four years later, which is some kind of bureaucracy on their side and it looks like they get very reluctant issuing this permit because when eventually it was issued I realized that it had been there for a year from when it was finalized.⁶⁵

UNIVERSITY of the
WESTERN CAPE

⁶⁵Interview with Sam, 29 February 2016.


REPUBLIC OF SOUTH AFRICA
ASYLUM SEEKER TEMPORARY PERMIT
 Section 22 of the Refugees Act No. 130 of 1998
 ASYLUM PERMIT


 MV4DZ6G

2000-06-30
 CAPE TOWN

Permission is hereby granted to the following person as holder of this permit to reside in the RSA or part thereof as determined in part B hereof:

A. PERSONAL PARTICULARS OF HOLDER

Surname: _____ First name(s): _____
 Residential address: 1 MILNER STR
CAPE TOWN
 Date of birth: _____ Age: 33 Gender: MALE
 Nationality: CAMEROONIAN Country of origin: CAMEROON
 Passport or travel document No.: _____ Place of issue: _____ Expiry date: _____

B. CONDITIONS

1. The holder of the permit may reside temporarily in either, (a) the Magisterial District of CAPE TOWN or (b) Province of WESTERN CAPE for the purpose of applying for asylum in terms of the Refugees Act, No. 130 of 1998.

2. This permit holder shall, without expenses to the State leave the Republic on or before SEE BACK PAGE or such later date as a duly authorised by a Refugee Status Determination Officer if his/her application for asylum has been rejected.

3. The holder shall report only to the office where applicant initially applied CAPE TOWN at intervals of 30 days/months and shall keep that officer duly advised of his/her place of residence.

4. This permit entitles the holder to: Reside in R.S.A. TEMPORARILY

5. Failure to comply with the conditions of this permit will be dealt with in terms of Section 37 (b) of the Refugees Act, 1998.

6. All permit holders are obliged to respect the laws of the RSA.


7. This permit will lapse if the permit holder does not appear in person as required at the designated Refugee Reception Office or if he/she departs from the Republic without prior authorization from the Director-General.

8. All other permits issued prior to the issuance of this permit are automatically nullified.

9. Other conditions: 1. EMPLOYMENT AND STUDY PROHIBITED

10. I/We _____ and _____ agree to the above conditions, and understand that a breach thereof will result in an offence in terms of section 37(d) of the Refugees Act 1998.

Signature of Permit Holder: _____
 Place: CAPE TOWN Date: 30.06.2000


 UNIVERSITY of the WESTERN CAPE

TP NUMBER: _____ OFFICIAL STAMP:
 DEPARTMENT OF HOME AFFAIRS
 PRIVATE BAG 40121
 CAPE TOWN 77000
 2000-06-30
 CAPE TOWN

Refugee Reception Officer:
 Name: CS BAM
 Appointment/Force number: 2878
 Date: 30-06-00
 Place: CAPE TOWN

Figure 4: A copy of an Asylum Seeker permit issued 3 June 2000. The permit carries personal details of the bearer like names, age, sex, date of birth, country of origin and a passport size photograph of the bearer. It is bar coded and carries particulars of the Refugee Reception Officer. One of the most significant aspects of this permit is that it prohibited the bearer from working or studying. The materiality of the document is visible as due to the folding and low quality of the A4 paper the characters are fading out and the edges of the paper are wrapped up and pieces are falling off.



DEPARTMENT: HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA
CAPE TOWN REFUGEE OFFICE
PRIVATE BAG X9031, CAPE TOWN 8000
TEL : (021) 4211006 FAX : (021) 4215028

22 AUGUST 2002

Dear Sir,

APPLICATION FOR ASYLUM: YOURSELF AND FAMILY

The application for asylum in respect of yourself has been approved by The Standing Committee for Refugee Affairs and your formal recognition of refugee status is hereby attached.

Please note, that if at the end of the period of exemption, you do not wish to leave the RSA, the onus rests on you to contact the Department to legalize your continued stay in the RSA, 90 days prior to the expiry of your Section 24 (3) (a) permit. Failure to do so may render you liable to prosecution in terms of the provisions of the Refugees Act, 1998.

UNIVERSITY of the
WESTERN CAPE

Yours sincerely

p.p. ACTING REGIONAL REPRESENTATIVE



RECEIVED

2002-08-22
DATE :

LEFAPHA LA MERERO YA SELEGAE
DEPARTEMENT VAN BINNELANDSE SAKE

Figure 5: A letter from the Department of Home Affairs in Cape Town acknowledging the approval by the Standing Committee for Refugee Affairs of formal recognition of this applicant and his family on 22 August 2002.

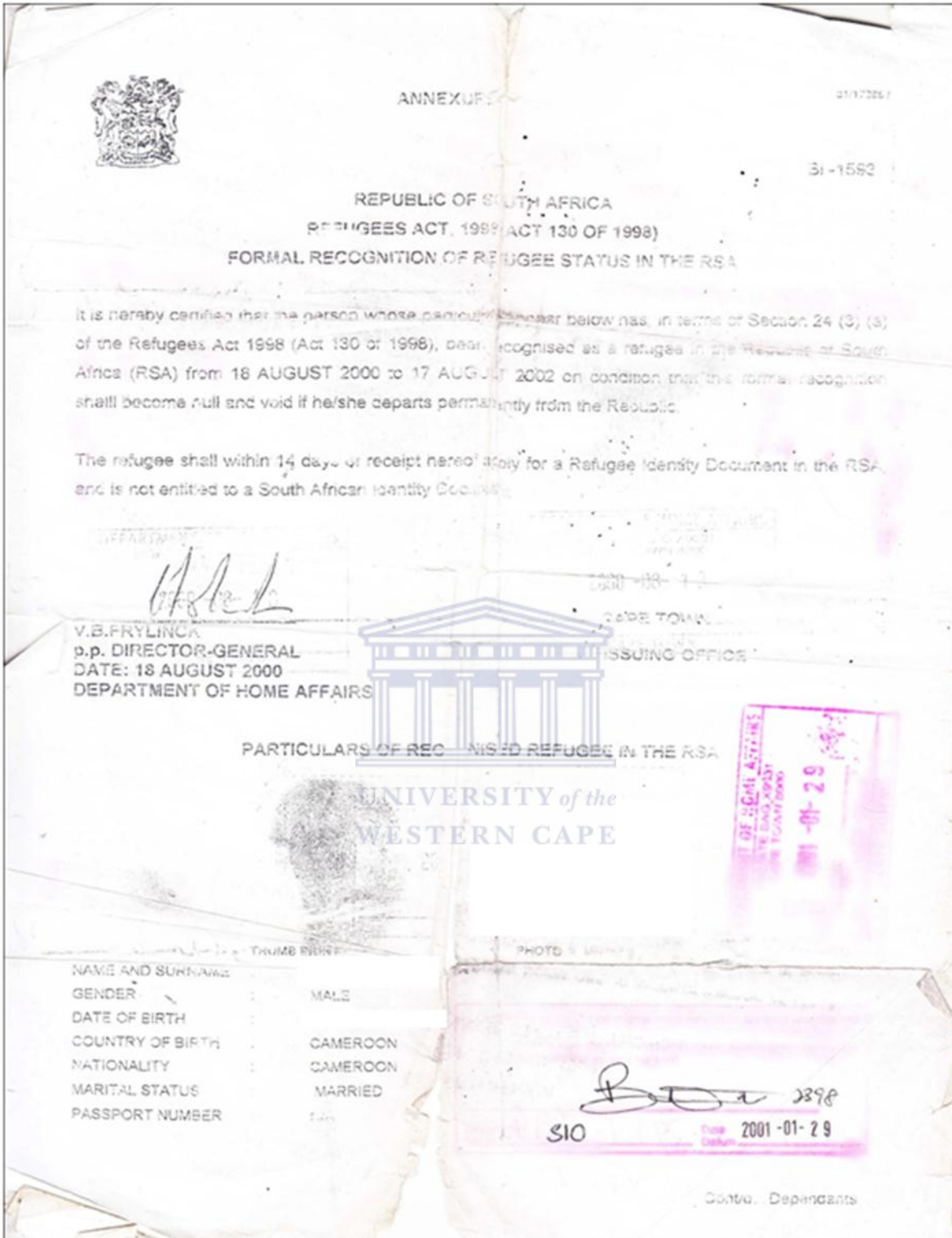
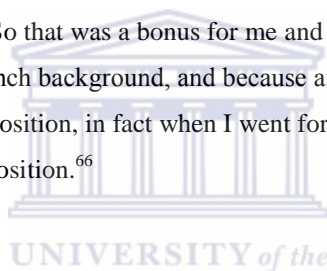


Figure 6: A refugee permit issued in January 2001 with a validity of two years. It grants the bearer the right to work and study, the right to apply for a Refugee Identity document. It reflects the bad quality of the paper and explains why it was likely not to be trusted as a genuine document.

With the Refugee Act just enacted in 1998, this could account for the Departments of Home Affairs not being logistically equipped to handle the number of people like Sam

seeking refugee asylum. When Sam finally got his refugee permit he was relieved and excited because he could now get a job or study. He was also happy that he would not have to return to the Department of Home Affairs every three months for the renewal of his permit. This excitement was short lived because Sam found out that though in possession of a refugee permit he was still faced with some obstacles securing job opportunities that came his way. The permit stipulated that he could work and study but for some reasons most employers did not consider it to be an equivalent of a work permit. For that reason, he applied through the assistance of a company that had recruited him for a work permit which he got .He explained:

I picked up a job with a company and they required that I had a work permit, so they gave me a letter which I took to Home Affairs. Then they issued me with a work permit and it was only then that I could start working for this company, otherwise before then I was doing my small business on the streets at where I employed two girls and I worked there for quite a long time. Then I saw this advert and applied for which required me to have a work permit and the fortunate thing was the fact that I had to do... work for a company that needed somebody that speaks French. So that was a bonus for me and because my qualifications like the ones I have, had a good French background, and because after the advert they couldn't get somebody that suited that position, in fact when I went for the interview I was alone, so it was automatic that I get the position.⁶⁶



It was easy for some to switch from the refugee status to a work permit in 2005 but as the years went by it became increasingly difficult to do so.

There was Rene who came into South Africa in 2001 with a three months' visitor's visa and went through the same procedure like Sam to extend and legalise his stay. He went to the Refugee Reception Office where he applied for an asylum seeker permit. He went through an interview and on the same day he was granted the asylum seeker permit. Like Sam it was valid for three months. He stayed on that permit for five years and was to report for extension every three months. Unlike Sam, Rene got married to a South African spouse and applied for a spousal permit which he received in 2006 (See Figure 9). After getting his spousal permit, Rene applied for permanent residence and this was granted. Had Rene not been married to a South African spouse what would have been his fate? It is the desperation

⁶⁶Ibid.

of knocking on the doors of the Department of Home Affairs without any outcome that led most immigrants to turn to unconventional means to acquire legal status.⁶⁷

Ado from Ghana had also secured a visitor's visa to South Africa in 2009. By the time he got into South Africa, his three months' visitor's visa was only valid for a month. He joined his kinsmen in Cape Town who advised him to apply for refugee asylum.

I came to Home Affairs in Cape Town, first time they give me six months for the asylum paper. So the time six months is finished I come back they say I must come tomorrow. I come tomorrow they say again tomorrow, I come again they say they can't give to me until now.⁶⁸

In Ado's case one can deduce that on application for refugee asylum, he was granted a six months' asylum seeker permit. This period provides time for immigration officials at the Department of Home Affairs to investigate the reasons given for seeking asylum and from there decide whether to grant a refugee status or not. It is possible that he did not provide a convincing argument on why Ghana posed a threat to his life. After the six months expired, his application was turned down. Since 2009 he has been living illegally in the country.

Musa from Nigeria was one of those fortunate immigrants who before immigrating to South Africa had visited the country every year since 2009. He had the opportunity to come to South Africa for training, and eventually on holidays until he took the decision to immigrate. In 2013 his company in Nigeria was retrenching and he decided to move to South Africa. He explains:

I was in South Africa in 2011 and 2012. I was in was here because I actually fell in love with the environment and everything I was seeing here. I started actually planning on how to move to South Africa. But you know, you plan things and God has his own way of actualising your plans, either for good or for bad, it ends on how you ask him. The company I was working for had some issues. It had some problems so they had to liquidate and I was actually a victim of re-engineering.⁶⁹

Now unemployed Musa left for South Africa and it was easy for him to get a visa since he had been in and out of the country several times. He came in with a visitor's visa. He

⁶⁷See Interview with Rene, 16 March 2016.

⁶⁸Interview with Ado, 22 April 2016.

⁶⁹Interview with Musa, 27 March 2016.

applied for refugee status before his visa could expire stating that ‘When my visitor’s permit expired, I’ve been on asylum because without asylum paper you can’t move on with anything’.⁷⁰ He sought refugee status on expiration of his visitor’s visa because he could not secure a work permit.

Paddy’s story is that of someone who had to leave his country because of the fear of political suppression. After arriving in the country with a visitor permit to attend a seminar, he went straight to apply for refugee asylum. After five days of his arrival he applied for refugee asylum which was granted to him on the same day. This was in 2008 and by this time the validity had been extended to six months. He was still at the time of the interview on the asylum seeker permit. He recently applied for a relative permit and is awaiting the outcome.⁷¹

Amina from Nigeria had secured a three month’s visitor’s visa to join her husband in Cape Town. As the visa was about to expire, she applied for a work permit which was not granted. She had no option but to seek for asylum. This is her story.

I applied for a work permit immediately before my visa expired but I wasn’t given. The fact was like I needed a letter from the Labour Department which there was no way I could get that. For that reason I had to travel down to Pretoria to acquire an asylum which I am using till date.⁷²

When asked if she faced any difficulties obtaining the permit she said,

It’s a terrible thing. It is a disaster. The way we were being treated I don’t think it’s fair. It’s not a nice experience for anyone to go through at all. Imagine travelling from Cape Town to Pretoria spending more than twenty hours on the road, getting there you are not being attended to and you being asked to come back the following week. Where do you stay? How do you fend for yourself? It’s not a nice experience.⁷³

Amina spent a month in Pretoria under adverse conditions. One begins to ponder and question what logical explanation there is for people to have to travel such distances and spent that much time and money like Amina did when there is a Home Affairs office that could

⁷⁰ Ibid.

⁷¹ Interview with Paddy, 13 March 2016.

⁷² Interview with Amina, 27 March 2016.

⁷³ Ibid.

attend to their concerns where they reside.⁷⁴ She was based in Cape Town but had to go to Pretoria where the head office of Home Affairs is based. The question here is what are the expectations of Home Affairs officials to centralise the application of first time asylum seekers in Pretoria when in the past even with the provincial departments being operational there were still backlogs? It might have been to curb the corruption that had infested the refugee offices, but it created a bigger problem as people like Amina had to spend about a month in Pretoria before receiving their asylum permit. It created room for more corruption as these desperate and frustrated applicants were willing to pay what officials demanded just to be served, just as Amina did. She had to pay someone before she could have her permit. When asked if she eventually got the permit, she said she gave some money and she was eventually served.⁷⁵ Though Amina is not willing to divulge her reason for seeking refugee asylum, we find that she only went for it as a last option after her application for a work permit was turned down. This to an extent confirms the concerns raised by the minister of Home Affairs Malusi Gigaba that economic migrants are exploiting the refugee system in South Africa.⁷⁶



⁷⁴Ibid. 5

⁷⁵Ibid. 4-5

⁷⁶ Ernest Mabuza, *Economic refugees abuse South Africa's liberal asylum regime*. Sunday Times 20 June, 2016.

REPUBLIC OF SOUTH AFRICA
DEPARTMENT: HOME AFFAIRS

Section 22 of the Refugees Act No. 130 of 1998

REPUBLIC OF SOUTH AFRICA

ASYLUM SEEKER TEMPORARY PERMIT

REFERENCE NO:
Permission is hereby granted to the following person as holder of this permit to remain in the RSA of part thereof as determined in part B hereof:

A. PERSONAL PARTICULARS OF HOLDER

SURNAME: BRAAMFONTEIN FIRST NAME(s):
101 CLAFTON STREET

DATE OF BIRTH: GENDER: Male
NATIONALITY: Cameroon COUNTRY OF ORIGIN: Cameroon
FILE NUMBER: PLACE OF ISSUE: TIRRO EXPIRY DATE: 08/12/2016

B. CONDITIONS

- The holder of the permit may reside temporarily in the Republic of South Africa for the purpose of applying for asylum in terms of the Refugees Act No. 130 of 1998.
- The permit holder shall, without expenses to the state, leave the Republic on before 08/12/2016 or such later date as duly authorised by a Refugee Status Determination Officer if his/her application for asylum has been rejected.
- The permit entitles the holder to: WORK & STUDY IN RSA
- Failure to comply with the conditions of this permit will be dealt with in terms of Section 37 (b) and Section 22 (6) of the Refugees Act 1998.
- All permit holder are obliged to respect the laws of South Africa
- This permit will lapse if the permit holder does not appear in person as required at the designated Refugee Reception Office or if he/she departs from the Republic without prior authorisation from the Director-General.
- All other permits issued prior to the issuance of this permit are automatically nullified.
- Other conditions: [TO BE BOOKED FOR RAB[APPEAL & CONDONATION IN FILE]
- I agree to the above conditions and understand that a breach thereof will result in an offence in terms of Section 37, of the Refugees Act.

PLACE: TIRRO DATE: 09/06/2016

REFUGEE RECEPTION OFFICIAL: MALANGE, ADOLPHUS CAPTURED BY: ramaube, madumane PRINTED BY: FINGER IMPRESSION

APPOINTMENT/FORCE NO: 22650211 19387318

DATE: 08/07/2009 09/06/2016

PLACE: Johannesburg TIRRO

ORIGINALLY ISSUED IN: Johannesburg NUMBER OF EXTENSIONS: 16 PERMIT EXPIRY DATE: 08/12/2016

PERMIT HOLDER SIGNATURE: REFUGEE OFFICIAL SIGNATURE:

201725230

83/DHA-1707AC

Figure 7: This is a copy of an asylum seeker permit which was issued in 2016. There are significant changes to the ones that was issued 2000. Although it is A4 paper it is of superior quality than that which were used in 2000. Here we find Asylum seekers being granted the right to work and study. These rights were prohibited in 2000. The bearer is on appeal meaning that his initial application was turned down during the process of adjudication.

Amos has a unique story of his encounter with permits. He had entered South Africa illegally and applied for asylum immediately to legalise his stay. He applied for refugee asylum at Musina and was granted a six-month asylum seeker permit. When the six months expired he explains that:

I went back to Musina for extension where I was arrested that the story I gave at home affairs was manifestly unfounded. I was handed over to the immigration officers for deportation. I was locked up in the Musina police cell for 46 days. That is from the 6 November to the 21 December. After a long protest in the police cell, we were demanding for the immigration to deport us not to keep us in the police cell. They transferred us to Lindela on the 21 December 2014, which is the repatriation centre in Johannesburg. There in Lindela we were advised, 'Lindela is a deportation centre, it's a repatriation centre and not a prison so you guys should feel free'. Here in Lindela there are three possibilities. If you have money you can get a lawyer and the lawyer can file your case to court and should in case he wins, they can issue your asylum permit back. Secondly if you have your money you can pay your flight, the Immigration can assist you to pay your flight back to your country of origin. Thirdly if you don't have money you will have to stay there until when the immigration will have money to pay your flight back to your country'.⁷⁷

Through the help of friends, Amos was able to raise money to pay for the services of a lawyer who had him released and was issued with a document stating that he must present himself at the Musina Refugee Reception Office within 21 days which he did and was issued a new asylum seeker document stating that he was awaiting judicial review.⁷⁸ (See Figure 8).

Amos who by this time had been dating a South African woman decided to get married to her in anticipation that he would change from the asylum seeker permit to a spousal permit (like Rene did in 2006). But this was not to be. He explains that:

I tried to change from the temporal asylum permit to a life partner permit when I went through the VHF laws and what I need to have. I was told I need to have a police clearance from Cameroon and South Africa, my wife's ID card and some documents. So I applied for the South African police clearance which took two months to come out and during that two months my asylum permit was just a week to expire, so I was advised to go to Musina and extend the permit before I can come and apply for the marriage for a change of permit. When I went to Musina and on my way back I received a call from a friend the minister has

⁷⁷Interview with Amos 10 March 2016.

⁷⁸Ibid.

changed the immigration rules that you can't apply for a change of permit with an asylum permit.⁷⁹

At the moment, Amos has to stay on the asylum seeker permit until his case is resolved, a situation that is frustrating because there is no stipulated time frame of how long people have to wait. It takes years for most of these cases to be resolved. In the past people had the option to switch to other permits but now it is practically impossible to do so.



⁷⁹Interview with Amos, 10 March 2016.

REPUBLIC OF SOUTH AFRICA
DEPARTMENT: HOME AFFAIRS
Section 22 of the Refugees Act No. 130 of 1998



REPUBLIC OF SOUTH AFRICA

ASYLUM SEEKER TEMPORARY PERMIT

REFERENCE NO:

Permission is hereby granted to the following person as holder of this permit to remain in the RSA of part thereof as determined in terms of:

PERSONAL PARTICULARS OF HOLDER

SURNAME: JOHANNESBURG FIRST NAME(s):

DATE OF BIRTH: GENDER: Male
NATIONALITY: Cameroon COUNTRY OF ORIGIN: Cameroon
ID NUMBER: PLACE OF ISSUE: Musina EXPIRY DATE: 29/09/2016
ALTERNATIVE FILE NUMBER:



CONDITIONS

The holder of the permit may reside temporarily in the Republic of South Africa for the purpose of applying for asylum in terms of the Refugees Act No. 130 of 1998.

The permit holder shall, without expenses to the state, leave the Republic on before 29/09/2016 or such later date as duly authorised by a Refugee Status Determination Officer if his/her application for asylum has been rejected.

The permit entitles the holder to: WORK AND STUDY IN RSA

Failure to comply with the conditions of this permit will be dealt with in terms of Section 37 (b) and Section 22 (6) of the Refugees Act 1998.

All permit holder are obliged to respect the laws of South Africa

This permit will lapse if the permit holder does not appear in person as required at the designated Refugee Reception Office or if he/she departs from the Republic without prior authorisation from the Director-General.

All other permits issued prior to the issuance of this permit are automatically nullified.

Other conditions: AWAITING JUDICIAL REVIEW

I agree to the above conditions and understand that a breach thereof will result in an offence in terms of Section 37 of the Refugees Act.

| | | | |
|--------------------------------|-------------------------|--------------------------------|-------------------|
| PLACE: Musina | DATE: 30/03/2016 | | |
| REFUGEE RECEPTION OFFICIAL | CAPTURED BY | PRINTED BY | FINGER IMPRESSION |
| NAME: TAKALANI, MULALO | Maifo, Joyce | | |
| APPOINTMENT/FORCE NO: 82641200 | 22990381 | | |
| DATE: 15/05/2014 | 30/03/2016 | | |
| PLACE: Musina | Musina | | |
| ORIGINALLY ISSUED IN: Musina | NUMBER OF EXTENSIONS: 3 | PERMIT EXPIRY DATE: 29/09/2016 | |
| PERMIT HOLDER SIGNATURE: | | REFUGEE OFFICIAL SIGNATURE: | |



201280083



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83/CHA-1707D

Figure 8: An Asylum seeker permit of which the bearer is awaiting judicial review.



Figure 9: A spousal Temporary Residence Permit.

Conclusion

From the stories of these immigrants, one can see that West Africans in their quest to fulfil their dream of seeking a better life in South Africa decided to get into the country through any available means. Obtaining other forms of visas like work visas and business visas that provided a longer period of stay in the country, with the possibility of extension, proved difficult for most of these people. This was as a result of the conditions that were put in place for such visas to be issued. These visas also demanded enormous amounts of money which most of them could not afford. There were those who capitalised on using the study visa which did not have strict conditions like the work and business visas. Most of these immigrants made use of the easier and cheaper visitor's and tourist visas which provided for a short stay of a maximum of three months. The implication of the visas which allowed just a short stay was that on expiration the individual had to leave the country or become an illegal immigrant if her/she overstayed. Since these people came with the intention to stay, they were bound to look for other means to legalise their stay.

Once in the country, they were faced with the issue of extending and legalising their stay which forced them to turn to refugee asylum. Though there are a few who were

genuinely fleeing from political and religious persecution, a majority of them had turned to seeking refugee asylum as the last resort to legalise their stay. Mindful of all these, there is a growing concern with how the Department of Home Affairs deals with applications and documents which these immigrants need to facilitate their stay in the country. Most of the interviewees complained of the logistical incapacity of the department, the incompetence of officials, the deliberate stalling by some officials to issue permit and the financial exploitation of immigrants by corrupt home affairs officials and immigration practitioners. The struggle to acquire legal status by these immigrants has impacted hugely on their lives. It is the type of permit or status that one possesses that determines the extent to which that individual can have access to what the South African economy has to offer. This is explored in greater detail in the next chapter.

The delays in securing relevant documentation caused pain, misery and anxiety to most West African immigrants in Cape Town. As explained in here, most West African immigrants in Cape Town had come into South Africa with visitor's visas allowing them a short stay in the country. After the visas expired, they resorted to acquiring other types of permits to legalise and prolong their stay in the country. For those who came in illegally, it was of prime importance to get legal papers permitting them to stay. Even those who came in with visas permitting them to stay for a duration of a year and more, they were sometimes faced with the problem of extending their visas even after submitting all the required documents and information demanded by the Department of Home Affairs as stipulated by the Immigration Act and Refugee Act.⁸⁰

All these struggles and delays in the issuing and acquisition of documents has been blamed on several factors. It stretches from the unprecedented influx of immigrants and refugees into the country after 1994, to the inefficiency and logistical inadequacy of the department of Home Affairs. There is also the corrupt and nonchalant stance that has steadily been building in the Department of Home Affairs and government's *lassiez-faire* attitude towards street level bureaucracy.

⁸⁰*Government Regulation Gazette Republic of South Africa No 10199, Vol. 587 Pretoria 22 May 2014, 38*

CHAPTER THREE

Possessing or Not Possessing Documents: The Impact

Introduction

This chapter will examine how the delays in the processing and adjudication of documents affected the lives of West African immigrants. It will also analyse how being in possession or not being in possession of legal documents played a major role in determining the destiny and livelihood of these immigrants. I argue that the causes of these delays were mostly not of the making of these immigrants but that of certain state organs, particularly the Department of Home Affairs. My argument here is based on the incapacity of Department of Home Affairs and the government after 1994, to effectively manage and accommodate the influx of immigrants to South Africa on the advent of democracy. I further argue that the documents that most West African immigrants acquired, especially those with Asylum Seeker Permits and Refugee Status, made provision for work and study as well accessibility to social welfare and corporate services. These basic rights became a struggle for these immigrants to have because of the duration of their validity and materiality these documents. This has created much doubt about their authenticity and affects those who possess them. The effect of all this has resulted in West Africans turning to informal organisations based on kinship and nationhood to overcome their struggle for survival.

The documentation of people has quite often been the prerogative of states and governments in their ability to know about and control people that reside within their national boundaries in their pursuit to put in place sustainable political, economic and socio-cultural policies. The 'will to know'¹ by states is based on the premise that the documentation of people leads to better control and could also be used for the subjugation of certain groups or class of people. As these processes of documentation grants the state the power to control and police its subjects so do the documents in the possession of these subjects confer on them the rights to the socio- economic and political economy of the state. Breckenridge argues that the documentation of people has not always been the 'will to know' by the State for the purpose of control as explained by Michel Foucault but that it also confers political, economic and

¹ Uma Dhumelia-Mesthrie (ed) *Paper Regimes*. *Kronos* 40, November 2014, 12.

social rights to people.² This chapter investigates what rights documents in the possession of West African immigrants confer and what are the consequences of not having the correct documents.

In the modern state a person is non-existent in the absence of documents or being registered in the data base of state administrative functionaries or organs. It is the documentation of people that actually provides information about the status and qualifications they have acquired. These documents in turn play a major role in determining the ability and the extent to which people can participate in the economy of the state. It is these documents that have become a prerequisite and the main determinant of the welfare and type of life people could and should live. West Africans in Cape Town are no exception to this rule. Documents have become the number one priority for their existence and survival in the South African communities where they find themselves.

In a study conducted by Vivence Kalitanyi and Kobus Visser, in 2007 on job creation for South Africans by African immigrant entrepreneurs, the authors found that the adversity faced by some of these immigrants gave them the impetus to forge ahead in their quest to make a better life for themselves by becoming business entrepreneurs. Specialising in small businesses which needed very little start-up capital, these immigrants were able to not only employ themselves but also create employment for others.³ This chapter argues that because of the type of documents that most of these aspiring entrepreneurs have, their ability to contribute meaningfully to the economy and also improve their economic situation is restricted.

The effects of delays in the processing and adjudication of permits on immigrants

Waller in an analysis of Migration Policy Brief No. 19 of 2006 raises the issue of the irregular migrant and the effects it has on government's management policies. Waller drawing from the above mentioned policy brief, finds irregular migration to reflect illegal

² Keith Breckenridge and Simon Szreter (eds), *Registration and Recognition: Documenting the Person in History* (Oxford: Oxford University Press, 2012), 532.

³ Vivence Kalitanyi and Kobus Visser, 'African Immigrants in South Africa: Job seekers or Job Creators?' *SAJEMS NS 13, No. 4*(2010), 376.

migration.⁴ The illegal migrant according to the South African Immigration Act, is defined as ‘a foreigner who has entered South Africa without proper authorisation or by fraudulent means or who remains in South Africa beyond the date imposed by his or her visa or permit or who engages in activities beyond the scope of what is duly authorised by his or her permit’.⁵ Waller argues that these illegal or irregular immigrants pose a major problem to the South African government in its endeavours towards ‘migration management, population planning, infrastructure development, resource management, governance, social services, economic development and security’⁶ because it is difficult to know the exact number of these irregular immigrants present in the country. She argues these numbers are elusive because most of these immigrants evade declaring their presence and prefer remaining undocumented. But from the interviews conducted with West African immigrants in Cape Town, I would argue the opposite. Most of them become irregular or illegal migrants because of the incapacity of officials in the Department of Home Affairs to process their documents. To them being undocumented was a hindrance to their economic and social well-being as opposed to the view that they were hampering the ability of the state to document them. These conditions have culminated to the government’s inability to provide a conducive environment for these immigrants, asylum seekers and refugees from West Africa and other regions, as stipulated by the Bill of Rights in the South African constitution.⁷

Not being in possession of a legal document that indicates the status of an immigrant renders such an individual as being illegal. The constitution stipulates that an immigrant who enters the country illegally or clandestinely or one whose visa expires and wishes to apply for a status to legalise his /her stay, has the prerogative according to section 30a and section 30b of the Immigration Act of 2002 to do so. The Act further states that should an individual become illegal because of reasons beyond his/her control his/her visa or permit was not extended or processed could write to the Director-General of Home Affairs. In this letter they should set out the argument that their inability to be in possession of legal papers is due reasons beyond their control. They would have to provide proof that they have already applied or are in a position of immediately applying for legal status.⁸ Also, the Refugee Act of 1998, states that, ‘Any person who entered the Republic and is encountered in violation of

⁴Lyndith Waller, ‘Irregular Migration to South Africa during the First Ten Years of Democracy’, *Southern Africa Migration Project, Migration Policy Brief No. 19*. 2006, 1.

⁵ Ibid.

⁶ Ibid.

⁷*The Constitution of the Republic of South Africa*, 1996. 5-21

⁸*Government Regulation Gazette Republic of South Africa No 10199, Vol. 587* Pretoria 22 May 2014, 38

the Aliens Control Act, who has not submitted an application pursuant to sub-regulation 2(1), but indicates an intention to apply for asylum shall be issued with an appropriate permit valid for 14 days within which they must approach a Refugee Reception Office to complete an asylum application'⁹. Article 3 (1) stipulates that, applications for asylum will generally be adjudicated by the Department of Home Affairs within 180 days of filing a completed asylum application with a Refugee Reception Officer'.¹⁰ Most immigrants that fall in the above mentioned categories are ignorant about what the Immigration Act and the Refugee Act states as far as their rights are concerned. The period of adjudication is clearly stipulated in the various Immigration and Refugee Acts but due to the ignorance of the immigrants, Home Affairs officials and laws enforcement officers disregard these provisions and render people who were supposed to have a legal document, even just for a short period, illegal.

With such conditions at the refugee reception offices people were not certain if they would be assisted or not. Those who had the money bribed their way into jumping the queue, as Amina did after a month in Pretoria to eventually get her permit. Those who could not afford or resisted the temptation of corruption had to keep returning to these offices until they were attended to. The pain, misery and emotional torture experienced by most of these people as explained by Amina are indisputable. The fear of their possible arrest and detention by law enforcement officers for being illegal and the lack of the financial means to sustain their stay while waiting to be attended to was enough to drain anyone emotionally. Not everyone could cope with these conditions. Those who found it unbearable, decided to leave the country voluntarily or took the risk of staying illegal so that when arrested and detained, it would be easier to sort legal representation through the legal aid system or NGO's and other organisations that provided free legal assistance to those who could not afford it. Most of the West African immigrants, who are seen and considered as illegal, are not technically legal yet their illegality is not due to their own actions but due to the state's inefficient bureaucracy. Thus it is the state which significantly contributes to this growing category of the illegal immigrants. Jonathan Klaaren and Jaya Ramji have similarly pointed to the impact that the policing of immigrants has.¹¹ They argue that despite amendments of immigration laws, there have not been significant changes in immigration policing in South Africa after apartheid.

⁹Regulations to the South African Refugees Act, Government Notice Department of Home Affairs, No R366, 6 April 2000, 2.

¹⁰ Ibid, 3.

¹¹ Klaaren and Jaya Ramji, 'Inside Illegality: Migration Policing in South Africa after Apartheid' *Africa Today*, 36-47.

Invoking operation crackdown of March 2000, they explained how the police used unconventional tactics such as the destruction of valid documents in the possession of some immigrants to make immigrants illegal. They also agree with the views of most of the West African interviewees that delays in the processing of their documents were the main contributor of making these immigrants illegal.¹²

The asylum seeker permit came with certain restrictions on its holder. Section 22 of the Refugee Act No. 130 of 1998, denied the holders of this permit the right to employment and study.¹³ This prohibition had tremendous effects on the livelihood of these immigrants who could not get access to the job market or engage any meaningful professional training that could assist them in sustaining themselves in a land far away from home. The prohibition of asylum seekers from employment and study could have been a temporary one if the Department of Home Affairs had the capacity to deal with the number of refugees coming into the country by respecting the 180 days' adjudication period of processing asylum seeker permits. The time-period would also have been bearable if the government had been able to bear the responsibility of caring for these asylum seekers for the entire duration of the adjudication process. The reality was that asylum seekers had to sort out ways of earning a living under conditions where they had little or no control with no options for formal employment. This to an extent is a contributing factor to many West African engaging in informal trading, especially street trading.

Sam, as seen in the previous chapter, had to wait for four years for his refugee status to be granted according to section 24(3) (a) of the Refugee Act 130 of 1998. This granted him the right to work and study as well as apply for a refugee identity card and a refugee passport¹⁴ (See figure 9). Even after being recognised formally as a refugee with the permission to work and study, it was difficult for him to secure a proper job as some employers did not recognise the refugee status as a valid work permit. He, as seen in the previous chapter, was lucky to have secured a job with a company that needed his expertise and it was only through them that he applied for a work permit which was eventually granted to him. Sam was thus lucky to make the shift from informal trading to formal employment. Not so many are lucky like Sam.

¹² Ibid

¹³ See figure 2

¹⁴ See 'Regulations to the South African Refugees Act', *Government Notice Department of Home Affairs. No R366*, 6 April 2000.

Paddy who applied for the asylum seeker permit in 2008 is still an asylum seeker right up to this moment. Despite the fact that he had been interviewed twice, he has not yet been formally recognised as a refugee. The delay in the adjudication process, according to him, has been the difficulty for him to provide a medical report proving his claim of torture in the hands of security agents in Cameroon because of political suppression as he applied for political asylum.¹⁵ Paddy has been on the asylum seeker permit for eight years. The difference between him and Sam is that there was some amelioration to certain conditions on the asylum seeker permit based on section 8a, 8b and 8c of the Refugee Amendment Act of 2015. Asylum seekers were now given the right to work and study based on certain criteria.¹⁶ The government and the Department of Home Affairs had come to realise that due to their incapacity, delays in issuing permits had adverse effects not just on the refugees but also on the state. The amendment did provide a bit of relief but the duration of the permits before they expire (6 months), was another hurdle for the refugees as they had to go for renewal or extension of their permits every 6 months under the horrible conditions of overcrowding and not being sure to be served on the same day. Most employers were reluctant to employ these asylum seekers because they were not sure if after the six months when the permits expired whether they would be renewed. Employees would also have to be given time to extend their permits which could take days or even weeks. For these reasons, potential employers saw these refugees as unreliable labour carrying many risks that could affect their productive use.

Foukou underwent unbearable distress as a result of the inability of the Department of Home Affairs to extend his study visa and there were mistakes that took time to sort out as we have seen in the previous chapter.¹⁷ This delay of about a year was to destabilise his life for good as all the opportunities of employment and studies that were at his disposal could not materialise. Instead he became illegal. Delays in the processing, adjudicating and extension of permits and visas is one of the most outstanding factors responsible for the misery and frustration of most West African immigrants in South Africa and Cape Town in particular.

It is not only the delays that the Department of Home Affairs is faced with when it comes to the processing of documents. There does not seem to be a holistic programme that defines how the Department of Home Affairs functions nationwide. Employees at different

¹⁵ Interview with Paddy, 13 March 2016.

¹⁶ 'Refugee Amendment Bill, 2015 (Act No. 130 of 1998)'. *Government Gazette No. 39067* (6 August 2015) 24.

¹⁷ Interview with Foukou, 28 May 2016.

levels of the administrative structure of the department take and implement decisions which they think and feel is correct and which may not be according to the law. Auralia WaKabwe explains that even if the Department of Home Affairs was to be equipped with the best civil servants it will still be faced with the problem of service delivery as a result of inadequacy in the chain of command in the department. She argues that the department does not have a functional oversight mechanism to regulate the performance and enforcement of duties of its employees. She also argues that as the department struggles to create a centrally managed organisation, its local branches have decided on independently implementing and enforcing immigration laws.¹⁸ As seen in the previous chapter, Foukou's problems were as a result of the management system at the Department of Home Affairs. The effect of all this, as stated by Foukou, was that

I was blocked because I could not do anything. My permit was expired, my bank account Frozen, I could not receive money; I could not apply for anything. I was just waiting for a permit which was not forth coming and no one was telling me what to do. If I have innumerate what all these have cost me, it is too much. I would have started my master's degree but now I have lost two years. My account was frozen and with no money there was a time I almost went homeless without being able to pay my rent. How do you survive without money due to the fact that you can't get a permit which is legally due to you? I was really frustrated because I was on the edge... I was a one man in this situation. I went even to the deputy director of Home Affairs and his answer was you just have to wait, simple as that. I remember at one time I asked him that if it was your son in a foreign country and in this situation, will you be happy with the answer given to him to go and wait, because I am staying somewhere, how am I going to pay my rents, how am I going to eat?' For me it was they were actually pushing me to leave the country. There was no other explanation I could actually come up with. I almost went back home.¹⁹

Looking at the importance of documents in the lives of immigrants, one would assume that officials would respond with some urgency. But due to lack of measures in place to hold people accountable for such actions, we find West African immigrants like Foukou who will not live their dreams despite the potential they possess because of the incapacity and incompetence of some officials in the Department of Home Affairs. Article 30 of the South African Immigration Act makes provision for illegal Immigrants whose visas or permits were

¹⁸ Aurelia WaKabwe –Segatti (ed), *Migration in Post-apartheid South Africa: Challenges and Questions to Policy – Makers*, Agence Française de Développement, 2008, 149.

¹⁹Interview with Foukou, 28 May 2016.

not extended because of service errors by the Department of Home Affairs to be given consideration.²⁰ The Act does not actually protect the immigrant as there is no time frame as to when such occurrences are to be resolved and does not grant officials the power to hand to such distress persons some sort of official document to temporally protect them from the consequences of not having legal documents. It is not just Foukou who has been in such a precarious situation, there are friends of his who opted to leave the country because they could not cope. The anguish and pain of some of these young immigrants is reflected in Foukou's explanation of the effect of him not having his permit extended on time. It changed his life forever as he never had the chance to make use of the opportunities that came his way during that period.

The materiality of refugee permits

The materiality of documents can at times reflect their durability. The Asylum Seeker Permit from 1998 to 2001 prohibited the bearer from working or studying. It is a normal A4 paper on which there is a passport size photograph of the bearer, his/her name, age, sex, signature, nationality, it is bar coded and carries the seal of the Department of Home Affairs. From 2001 there were changes to the Asylum Seeker Permit. It now granted the bearer the right to study and work and also had the fingerprint of the bearer, something the former one did not have. Due the size of the permit, people are bound to fold it because they must have it with them wherever they go. The constant folding and unfolding and also the quality of the paper, causes the permit to fray and worn-out to the extent that some of the characters are barely visible. It also stipulates the conditions which the bearer must adhere to and the name and signature of the Refugee Reception Officer (See figure 5). The Refugee Status Permit is also an A4 papers, the same as the Asylum seeker permit. It carries the same information about the bearer and the Refugee Reception officer as the Asylum Seeker Permit. The difference is that it formally recognises the bearer as a refugee. From 1998 to 2010 these permits carried a validity period of two years' renewable, but from 2011 it was extended to a four-year period and the quality of the paper was changed to a more durable one. Amit and Kriger state that theses permits grant the right for asylum seekers and refugees to 'work and study, to access health, to open accounts and to reside in their communities free from the

²⁰See *Government Regulation Gazette Republic of South Africa No 10199, Vol. 587, Pretoria 22 May 2014.*

threat of arrest or detention.²¹ They explain that although these rights exist, they become elusive in practice as the police, bank, health providers, schools and other institutions often refuse their validity.²² Most banks and some corporate institutions do not actually acknowledge these permits as identity documents. These documents, though bar coded, and can provide information about its bearer when scanned are not a trustworthy document of identification because of its materiality (See figures 4 and 6). What is worrying and of security concerns to many, especially those in the private sector is the materiality of these documents. These A4 papers are susceptible to falsification. This has led to mostly banks and many corporate entities and business declining to recognise the validity of these documents.

It is stipulated in the Refugee Act that once an asylum seeker is granted refugee status, that individual has the right to apply for a refugee identity Card and eventually a refugee passport, (See figure 10 and 11). Most West Africans have complained of not having their refugee ID or getting it when it has already expired.

Paddy who had an asylum seeker permit allowing him to work found himself being exploited by his employer because of the quality and meaning attached to his refugee document. Paddy explains that

I was working with one clothing industry; it was a lady who was producing things for Woolworth and Truworth. She is a sub-contractor and I was employed there as a quality controller so I worked there for some couple of months, for about eight months. Why I left, you know sometimes, after getting to a certain time, they start to tell me the money you're getting is too much. At that time, they [were] paying me R1000 per week. In the company we got people who were earning about R8000 [a month] that I do job which is better than what they can do, so I do think the status that I got, the asylum seeker permit that I got they don't respect it that much. So it's like I don't even have a right. So I just believe in myself and say if that is the case I rather go and do my own things to better my life because you can start something small and it will grow.²³

The problem with Paddy's in this instance, was because with the asylum seeker permit he could not open a bank account. Without a bank account the company which had employed him as a quality controller could not pay him. He had solicited the help of the proprietor of the

²¹ Roni Amit and Norma Kriger 'Making Migrants 'Il-Legible: the Policies and Practices of Documentation in Post-Apartheid South Africa' in Uma Dhupelia-Mesthrie (ed) *Paper Regimes. Kronos 40*, November 2014, 280.

²² Ibid.

²³ Interview with Paddy, 13 March 2016.

company who assisted him in opening a bank account. The fact that he could not open a bank account with the documents he had made his employer to doubt the validity of his refugee document. According to Paddy, the status he had, made his employer treat him with little regard and as if he had no rights. The treatment he received because of the documents he had finally forced him to leave a job which he had been very happy to have secured.

The impact of documentation on immigrants

There is a huge emotional impact on people relating to the documents they possess. As documents increasingly become an important determinant of the livelihood of people so does the emotional impact of its possession. In the previous chapters, the importance and inevitability of documents to immigrants in South Africa, especially of African descent has been emphasised. Almost all the immigrants who were interviewed for the purpose of this study had experienced some emotional attachment or affect with documents. As observed by Dhupelia-Mesthrie, people become happy and relieved when they get these documents but on the other hand there comes huge disappointment as the documents do not necessarily open paths.²⁴ When I asked Rene what gaining permanent residence in South Africa meant to him, he explained:

It definitely makes no difference. Let me just paint a picture, I've lost a lot of opportunities from some companies, I don't want to mention their names, I've lost a lot of opportunities because you are not a South African citizen, not that I'm not qualified or I'm not hard working, I did a lot for some of those companies and later I was being told, government policy, Government Equity Act, government this and that, "we're not allowed to employ non South Africans, yes you've got an ID you're just a permanent resident, you're not a South African citizen. The Government Employment Equity Act say that we must only employ South Africans and black South Africans specifically". As I said I lost about two, three job opportunities because I am not South African²⁵

Rene had been on the asylum seeker permit for four years until he got married to his wife and eventually got his permanent residence permit. To him it was a great relief to own a South African identity document which had been a stumbling block to him securing a good job. This joy was short lived as even with the green ID, his dream jobs were still elusive

²⁴ Uma Dhupelia-Mesthrie (ed) *Paper Regimes*. *Kronos* 40, November 2014, 11

²⁵ Interview with Rene, 16 March 2016.

because of the Employment Equity Act.²⁶ The identity document did not serve him much good as he needed to get South African citizenship before he would evade the unfavourable labour practices. We find here how his being in possession of a South African identity document had come as some emotional relief. But noticing that the document did not equate him to the status and priorities of a citizen came with emotional distress in the form of fewer opportunities to the potential jobs out there. Foukou was happy that his permit had been extended but when he found out that there an error which made the permit invalid, he became frustrated and disheartened. This error caused him much pain and despair.²⁷ In Sam's situation, the acquisition of a Refugee Asylum Permit was a great relief as he could legally stay in the country, but he became increasingly frustrated as he could not get employment although the permit granted him the right to work. He eventually secured a work permit and this was a relief to him as he immediately got employment.²⁸ These examples point to the range of emotions that the possession of documents evoked. For those without documents there was greater uncertainty and distress. Acquiring a document was however no guarantee of emotional quietness and produced new challenges and turmoil.

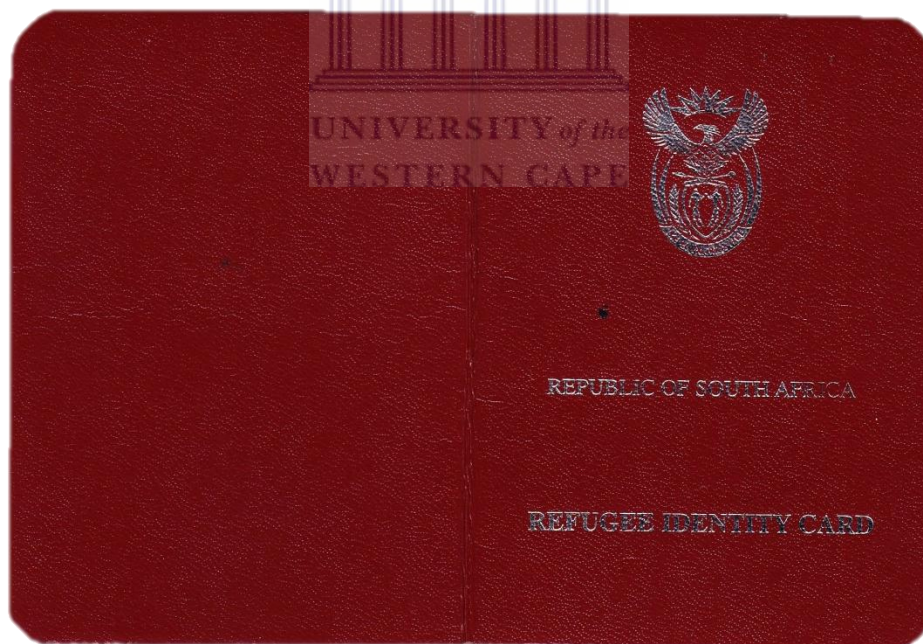


Figure 10: The back cover of a Refugee Identity Document.

²⁶ See 'Employment Equity Act, 1998'. *Government Gazette No. 19370*, 19 October 1998.

²⁷ Interview with Foukou, 28 May 2016.

²⁸ Interview with Sam 29, February 2016.



Figure 11: The inner layer of a Refugee Identity Document.

The limitation to gain employment or access the formal economy as a result of the documents they possessed, forced most of these immigrants into informal trading as a means of survival. Sam as we have seen in the previous chapter, had engaged in informal trading as a means of earning a living when he came to Cape Town until he was able to obtain a work permit that allowed him to secure a job.²⁹ Most of the West African immigrants in Cape Town who could not find employment because of the type document they had, turned to street trading to earn an income. We also find them in the illegal drug trade and prostitution which can also be traced to quite often the need to get out of the desperate situation some of them find themselves in. Like Sam, Amos states that ‘I got a small business that I am doing that is helping me pay my rents and pay my bills. I am selling second hand clothing, socks and a couple of small items like caps, belts and so on’. He claims that he is just managing to sustain himself.³⁰ Amina on her part explains:

There is a limit you can do with the asylum, you can’t open a bank account, you can’t get a good job, except a security job, even this security, and how do you expect a woman to be a security? You know, you are treated as an outsider, the asylum is nothing to me, and there is

²⁹ See Interview Sam, 29 February 2016.

³⁰ Interview with Amos, 10 March 2016.

no value for it. I run a small business in Parow market in Cape Town. It is yielding, not to one's expectation but then it is keeping body and soul. At least in the morning you have a place to go. But then the place is not safe because of these street kids. The mindset is me going out today, how is going to look like, there is no certainty that I will come home fine. The environment is not safe anyway.³¹

I interviewed Paul Williamson who is the head of business areas management in the Economic Development Department of the City of Cape Town and Liesl Ann Kenny, the district area coordinator for Tygerberg and who mainly deals with the co-ordination of informal trading in terms of management, the issuing of trading permits, the monitoring of the permits, the day to day running of the various trading bays,³² They inform me immigrants account for the majority of informal traders in the Tygerberg district in the city of Cape Town. Their records show that apart from the Somalis, West Africans especially from Nigeria, Cameroon and Senegal make the up rest of the immigrant population involved in informal trading. There should be a reason for this. Fidelis Ebot Tabe shows how this is also true for street traders in the central business district of Cape Town. He argues that these immigrants came into informal trading when it was less populated and that South Africans only started getting interested in informal trading as a result of the economic recession.³³

According to Williamson and Kenny, the policies of the City of Cape Town do not discriminate against immigrants who meet the criteria for the issuing of trading permits and allocation of trading bays. To them it does not matter if an immigrant is an asylum seeker or has refugee status. If the document the individual possesses grants he/she the right to take up employment, then that individual is treated equally like any other person who has applied to be an informal trader. Kenny explains that informal trading is mostly for people who have no formal employment and when it comes to immigrants all they are looking for is a document validating the stay of that individual in the country and also the right to employment. For the city documents which qualify immigrants are 'the foreign ID, the little red book which also has the CTR number at the bottom of that (see figures 10 and 11), the refugee permit, the asylum seeker permit, obviously that automatically allows them to work [and the] Passport'.³⁴ Tabe also argues that the city's policy for a person to become an informal trader

³¹Interview with Amina, 27 March 2016.

³² Interview with Paul Williamson and Liesl Ann Kenny from the City of Cape Town, 19 January 2016

³³Fidelis Ebot Tabe, *Street Trading in the Central Business District of Cape Town 1864-2012: A Study of State Policies*, (Phd. Thesis, University of Western Cape, 2014), 162.

³⁴ Ibid.

does not discriminate between South Africans and foreign nationals since the main criterion is for an applicant to have a valid South African identification document, a work permit or a refugee permit.³⁵ This thus explains why foreigners become informal traders. It is the one route to make money that is open to them.

In this case we find the department which deals with informal trading in the City of Cape Town as one of institutions which recognises the validity of the asylum seeker permit and the refugee status permit. This stands in contrast to most corporate entities and employers who are reluctant to accept the documents and provide employment. As more and more of these immigrants struggle to get employment or access to be self-employed, informal trading becomes the main source of income for them. As their numbers increased as informal traders, so was the scramble for trading bays and trading permit. This led to some of these immigrants engaging in unscrupulous means to secure the much sought after trading bays, which not long ago were not appealing to many until the difficulty of having a work permit or permanent residence became a reality. As most West African immigrants were not qualified or found it difficult to obtain these documents, they were doomed to be informal traders until their status changed or they got frustrated and returned home. Sam is a typical example of such an immigrant who was an informal trader until he obtained a work permit which allowed him to secure a job with a company. He states that:

I picked up a job with a company and they required that I had a work permit, so they gave me a letter which I took to Home Affairs then they issued me with a work permit and it was only then that I could start working for this company, otherwise before then I was doing my small business on the streets at Fishhoek where I employed Two girls and I worked there for quite a long time,³⁶

The dominance of these immigrants in informal trading brought them at loggerhead with South African nationals who with the economic recession and increasing unemployment took to informal trading as a means of survival. The dominance and business know how of these immigrants in the informal sector was because of a couple of factors. The difficult situation they found themselves because of the type of documents they had, forced them to develop unconventional business strategies in the informal trading sector which gave them an edge over nationals. Most of these immigrants cannot have access to banking facilities and are

³⁵Fidelis Ebot Tabe, *Street Trading in the Central Business District of Cape Town 1864-2012*, 161

³⁶See Interview Sam, 29 February 2016.

forced to congregate and create saving and lending as well as business associations with no legal backing. Most of the money they make from informal trading is ploughed back into the business or other types of unconventional businesses. Because they cannot have access to banks, it is safe for that money to be invested in some sort of property than for them to have it on their person or where they live. Paddy found himself in a situation where he could not save in a bank because the banks would not accept his asylum seeker permit. He had to save his money through an association that was made up of people from his country who will then lend the money they saved to others who were in need. He also had to use some of his money to invest in the business of buying and selling used cars, not because he was making much profit but because it was safer for his wealth to be in the form of some sort of property than in physical cash which he could not save in a bank.³⁷

The financial injection we find from these immigrants in the informal sector has transformed the sector immensely especially in clothing and fashion accessories that go with it. Williamson acknowledges the fact that there are complaints from South Africans in the informal sector that immigrants have virtually usurped the right to informal trading in many areas in the City of Cape Town. Actually these allegations are not unfounded because there are more and more South African nationals whose applications for trading bays are on the waiting list. The question is how do new traders of foreign nationality get to have trading bays without staying long on the waiting list? In response to this, Williamson explains that 'we have suspicion but it is unproven and we want to get the proof that local South Africans sell their business and their trading bay to foreign nationals. The perception is that foreign nationals have access to funding, and money and it's an easy way to get capital, income. We can't prove it. The moment we know that you sold your trading bay, you're history.'³⁸ Actually this could be true because some of these immigrants who are involved in informal trading are not the rightful owners of the trading bays they occupy. The bylaws of the City of Cape Town allow owners of trading bays (the principal trader) to employ people who can assist them (assistants). These assistants are then incorporated in the system as the people who have the right to be at these trading bays in the absence of the principal trader. The logical explanation is that some of these immigrants can easily raise money through their peers and lure nationals to make them their assistants. Some of the nationals who are struggling find the offer as an easy way to make money by receiving a reasonable sum and letting go their trading bay. It

³⁷ Interview with Paddy, 13 March 2016.

³⁸ Interview with Paul Williamson and Liesl Ann Kenny from the City of Cape Town, 19 January 2016

becomes difficult for the officials of the City of Cape Town to prove that any corrupt activity has taken place because the immigrant who now owns the business at the bay stands in as the assistant while the national who sold him the business still remains the principal trader.

Though the profits realised from sales in the informal sector seems minimal, the turn over from sales and the fact that this sort of business is tax free and the levy charged by the municipality for trading bays is not quite high, makes the sector attractive for those with some basic business skills. The negative impact of documents these immigrants have, pushed them into informal trading and the adversity they faced forced them into transforming this sector which has quite often been regarded as an outlet for people who had to struggle for daily bread. The intention of the South African government and the City of Cape Town in supporting informal trading is to provide a means for struggling individuals to earn a living, the reason why one of the conditions to own a trading bay is to provide an affidavit proving that the individual is unemployed.³⁹ Tabe explains how with the advent of democracy in 1994, the newly elected national government adopted a policy of promoting small and medium size businesses. To meet this objective, municipalities across the country introduced by-laws which promoted informal trading by shifting from the restrictive policies of the apartheid era towards the control of informal trading. He states that the by-laws adopted by the City of Cape Town in 1996 provided for informal traders to own permanent trading bays and in some areas the city built trading stalls. This was different from the previous policies which made informal traders mobile limiting the amount of goods they could have for sale. Now being on a permanent location, these informal traders could invest in more goods and this went a long way to improve their sales and turn over.⁴⁰

The sector has drawn the attention of taxpaying businesses who complain to be losing business to informal traders who sell similar products like them at prices they cannot compete with. Their argument is based on the fact that these informal traders do not pay taxes nor do they incur running costs like rents on business premises, giving them an unfair advantage. This was the same argument that was raised in 1906 by white business demanding the government to protect them against unfair Indian businesses which were forcing them out of business.⁴¹ These complaint by big businesses about unfair advantage given to informal

³⁹ Ibid.

⁴⁰ Fidelis Ebot Tabe, 'Street Trading in the Central Business District of Cape Town 1864-2012', 121-122.

⁴¹ Fidelis Ebot Tabe, 'Street Trading in the Central Business District of Cape Town 1864-2012', 37-28.

traders and the opposition from most nationals about the dominance of the informal sector by immigrants has led officials of the City of Cape Town in thinking to review policies on informal trading.⁴² Williamson clearly stated that the City of Cape Town is thinking of putting policies in place to see that there are a maximum number of years an informal trader can take ownership of a particular trading bay. He argues that ‘it’s fine to put a limited period [that someone can own a trading bay] and then after that apply for other opportunities. The other rationale behind that, is that the City is trying to encourage the informal sector to progress into the more formal sector. I don’t want to say formal as in like the more formal sector. But yet there is immense amount of red tape and legislation and overhead expenditures, you know, repressive prohibitive. So we’re still in that moving space. The director at this stage simply says that in three years’ time your permit expires, you should then reapply’.⁴³ Should this come into law then we will find these immigrants becoming destitute as they were before finding a breakthrough into the informal trading sector. There are immigrant informal traders who are desperately looking for business licences and premises to open up business and be taxed, but the documents they have do not allow the registrar of companies to issue them a business licence. They do not qualify to have a lease on a business property not to mention buying one. This accounts for one of the major reasons why most of them are stuck as informal traders even when their businesses have reached saturation point and needs diversification. Getting them out of the informal sector, will mean telling them to become unemployed because even with enough capital to engage into something new, the documents they possess will not permit them to do so.

The type of documentation these immigrants possessed had an effect on their access to essential services. Advancement in technology has made the provision of essential services both in the private and public sector increasingly, if not entirely dependent on biometrically based documents of identification. Increased globalisation based on the positives of technology comes with their own challenges. Documents of identification and its materiality have become of major concern to authorities both in the private and public sector. It is the responsibility of the government to ensure that the documents of identification that are issued to people residing within its national territory adhere to conditions that effect their usage and legality. The asylum seeker or refugee status documents which most West African immigrants in Cape Town possess do not actually meet these conditions.

⁴² Ibid.

⁴³ Ibid

It is ironic that most government institutions do not recognise the validity of these documents. There is a vital document known as the traffic register number certificate⁴⁴ (see figure 12) which is issued at municipal offices. It is only with this document that people can register a vehicle in their name and it is only with this document that they can own a driver's licence. The city of Cape Town does not issue this document to bearers of the asylum seeker permit which means these individuals cannot lawfully own a car or get a driver's licence.

The registrar of companies does not issue certificates granting these people the right to own businesses or companies because of their status. These are state institutions and these documents are legal documents issued by the state granting these people the right to be in the country and the right to employment. What is the explanation for restricting these individuals from accessing other forms of employment like owning a business? For a group of people like these West Africans who have embarked on small scale businesses as their main source of survival in South Africa, limiting their ability to exploit this industry has been frustrating to many.

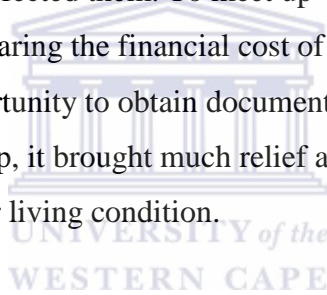
While other immigrants find it expensive to cater for their educational and health needs, those who are on asylum seeker permits and refugee status are treated in these domains as South African citizens. An immigrant who is not a refugee has to provide proof of medical insurance to legalise their stay. Those in educational institutions fall in a different bracket when it comes to tuition fee. They pay higher than nationals and their counterparts who are refugees.

Conclusion

The delays in the processing, renewal and adjudication of the visas and permits of West African immigrants in Cape Town was most of the time not the fault of these immigrants but the incapacity and weaknesses of the bureaucratic processes in the Department of Home Affairs and some state institutions. Another important contributor to

⁴⁴ The Traffic Register Number Certificate is regarded as the identity document for the purpose of the National Road Traffic. It is this certificate which proves that an individual is registered into the database of the National traffic department. Without it then every traffic service from driver's licence to the registration of vehicles cannot be offered.

these delays were attempts by the state to curb immigration. Government official deliberately stalled the processing or granting of documents to these immigrants which caused desperation and led to some of them returning to their home countries. For those who stayed these delays and errors had immense consequences as they were deprived of their rights to access important services like education, health, banking and financial services. These immigrants could not access certain municipal services like obtaining a traffic registration certificate which is the main determinant to ownership of a vehicle or obtaining a driver's licence. It became extremely difficult for them to get any formal employment which forced most of them to rely on informal trading to earn a living.⁴⁵ Having accommodation was also a big issue as housing agencies and property owners demanded documents which most of these people could not provide as conditions for leasing properties. They are forced to rent from people who have been leased houses or properties at exorbitant prices. Since most of these people are engaged in some form of trading to earn a living, the economic crisis facing the country in recent years has also affected them. To meet up with rents and other expenses, these people live in communes sharing the financial cost of running entire households.⁴⁶ For a few who eventually had the opportunity to obtain documents which like a work permit, permanent residence or citizenship, it brought much relief as they could have access and make use of opportunities to better their living condition.



It is worth acknowledging that the South African government and the Department of Home Affairs have been engaging in various ways along the years to address the issue of documents to immigrant. This is a global problem which poses a very difficult challenge to immigrant receiving countries like South Africa who have to adhere to international migration and civil laws while battling to address the concerns brought about by immigration within their national borders.

⁴⁵Roni Amit and Norma Kriger 'Making Migrants 'Il-Legible: the Policies and Practices of Documentation in Post-Apartheid South Africa' in Uma Dhupelia-Mesthrie (ed) *Paper Regimes. Kronos 40*, November 2014, 280.

⁴⁶Interview with Paddy, 13 March 2016.


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| Republiek van Suid-Afrika VERKEERSREGISTERNOMMERSERTIFIKAAT (Nasionale Padverkeerswet, 1996) | Republic of South Africa TRAFFIC REGISTER NUMBER CERTIFICATE (National Road Traffic Act, 1996) | |
| Registrasie-owerheid | City of Cape Town | Registering authority |
| Verkeersregisternommer | 1001254460005 | Traffic register number |
| Naam | | Name |
| Posadres | 18 LOURENS PARK LOURENS STREET SOMERSET WEST | Postal address |
| | 7130 | |
| Straatadres | 18 LOURENS PARK LOURENS STREET SOMERSET WEST | Street address |
| | 7130 | |
| Adres Domicilium Citandi Et Executandi | Posadres / Postal Address | Address Domicilium Citandi Et Executandi |
| Beheernommer | 10010553F5HW | Control number |
| Uitreikingsnommer | 01 | Issue number |
| Datum van uitreiking | 2003-02-11 | Date of issue |
| KWITANSIE | | RECEIPT |
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| Ten opsigte van | 100100233T1D | In respect of |
| Totale bedrag ontvang | R0.00 | Total amount received |
| Datum | | Date |
| Ontvang deur | | Received by |
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| BELANGRIKE INLIGTING | | IMPORTANT INFORMATION |
| 1. Hierdie sertifikaat word geag die identiteitsdokument van die genoemde entiteit te wees vir doeleindes van die Nasionale Padverkeerswet, 1996 (Wet Nr 93 van 1996). | | 1. This certificate is deemed to be the identity document of the mentioned entity for purposes of the National Road Traffic Act, 1996 (Act No 93 of 1996). |
| 2. Hierdie sertifikaat moet bewaar word en voorgelê word waar aanvaarbare identifikasie ingevolge die Nasionale Padverkeerswet, 1996 verlang word. | | 2. This certificate must be kept safe and be produced where acceptable identification is required in terms of the National Road Traffic Act, 1996. |
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Figure 12: A traffic Registration Number Certificate.

CONCLUSION

The main aims of this study were to examine why and how West Africans in Cape Town immigrated to South Africa, why this migration trend increased exponentially after 1994 and its central research question is to examine the role of documentation in the immigration experience of these immigrants and what impact this search for documents had on their lives. To achieve these aims, the thesis has investigated the reasons why these West Africans had chosen South Africa and Cape Town as their preferred destination after 1994, how they gained entry into the country and how they obtained the necessary documents to legalise their stay in South Africa. To meet its goal, the study examined narratives of West African immigrants residing in Cape Town beginning from the moment they left their home countries till when they obtained documents allowing them to stay in the country. It also makes use of interviews with two representatives of the city of Cape Town who gave an insight into the relationship between West African immigrants in Cape Town and informal trading.

Chapter one provides a contextual introduction to a migration trend which has come to be known as the 'bush falling' phenomenon in West Africa and Cameroon in particular. This phenomenon which is profound in West African communities is based on the concept of people immigrating to more affluent and economically advanced countries to seek for a better live for themselves and their families. The chapter traces the origin of this phenomenon to the legacies of colonialism. It establishes how events like the economic crisis that gripped the West African region in the 1980s and the subsequent Structural Adjustment Programmes by the International Monetary Fund and the World Bank, contributed in creating massive unemployment and also a decline in the income and standard of living of people in the region, forcing many to immigrate to wealthier countries in search for greener pastures. The demise of countries in the region is also as a result of poor governance and the incompetent and corrupt administrative structures these countries have in place. Their failures could to an extent be attributed to the absence of total sovereignty as economic and political decisions were to an extent being controlled by their former colonial masters. Independence was on paper as these former Western colonial powers in pursuit for their capitalistic agendas laid a firm grip to their former colonies as sources of much needed raw material and also a market for their goods and services.

As many young people found it increasingly difficult to make a good living in their countries the end result was massive emigration. Their initial destinations were the shores of their former colonial masters. It was easy to gain entry to countries which they had colonial ties with and it was also easy to live and adapt in these countries as West African countries had appropriated the language and customs of their colonial masters. Those who succeeded in immigrating to these more affluent countries transformed their lives and that of their families economically and financially to an extent that it became the dream of each household and at times entire communities to have one of theirs living and working abroad and ploughing back home in the form of remittances. As the lives of those who had people who immigrated abroad changed profoundly from the remittances they received so too was drive for many West Africans to embark on this adventure of securing a better life in more advanced and developed countries. In the 1980s and the 1990s, the preferred destinations were European and North American countries for these immigrants. The 1990s saw most of these countries putting in place immigration restrictions to curb the influx of people from poorer and less developed countries. The end of the Cold War had also seen people from a poorer Eastern Europe immigrating to Western Europe and North America seeking a better life. It became increasingly difficult for people, especially those from the African continent to gain entry into these countries during this period. Most West African who could not find entry into these western countries, resorted to other destinations in Asia, the Middle East and South Africa.

After establishing why West Africans embark on ‘bush falling’, the chapter examines the reasons why South Africa became appealing after 1994. 1994 saw the end of apartheid in South Africa and the coming to power of the ANC government. This historic event meant a lot to people on the African continent and the world at large. The practices of the apartheid regime were met with opposition from many on the continent. During this period apartheid laws and practices made it difficult for people from the African continent to immigrate to South Africa. With a democratic government in place after 1994, there was the reestablishment of economic and diplomatic relations between South Africa and many African countries. This paved the way for people who could previously not come into South Africa to have access into the country. With the most advanced economy on the continent and opportunities for financial and economic empowerment, South Africa became a much sought after immigration destination for West Africans who could not make it to Europe. Although it became easier for people of the continent to travel to South Africa the

immigration laws after 1994 did not change much from those of the apartheid regime. As more and more people got into the country so too did the government step up measures to control and restrict immigration. As explained by some of the interviewees like Amos, it became increasingly difficult to obtain a visa to South Africa, that is why he had to embark on a journey through several African countries to get into South Africa after two failed attempts to secure a visa through the South African embassy in his country.

In this chapter the interviews reveal that there were several push and pull factors which accounted for West Africans to immigrate in larger numbers after 1994. The most significant push factor was the poor economic conditions of people in West Africa as a result of the economic crisis that gripped the region in the 1980s. With unemployment and poverty on the rise in the region, people were forced to seek for a better life in more developed countries. Plagued with corruption, the government administrative machinery was abused by civil servants which in many ways brought frustration to citizens of these West African countries. With the lack of trust in their government to alleviate their conditions, people preferred to immigrate to countries like South Africa. West African countries in the 1990s accepted multi-party democracy. Ironically most of these countries have been under the rule of one party which cracks down on opposition parties which dare challenge its policies and manner of governance. Political persecution in West African states is a driving force for people to immigrate. What attracted these West Africans to South Africa was the opportunities they hoped to find in South Africa whose economy was the most advanced on the continent. It was just the prospect of finding jobs to improve on the economic situation, there were those who wanted to pursue their studies in South Africa whose academic institutions provided top quality education. The reliance on kinship was one factor which almost all the interviewees did share in common. On some point they all had to rely on someone they know in Cape Town for directives or assistance.

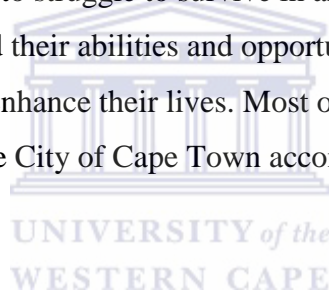
The second chapter examines documentation and the quest for paper rights in the immigration of West Africans to South Africa. The chapter engages with how documents were generated by both the immigrants and South African consular and immigration officials for the purpose of travelling. To this end the chapter examines the types of documents that aspiring immigrants presented at embassies and consulates when applying for travel visas and the type of visas they applied for and acquired after 1994. The chapter shows how immediately after 1994 most West African countries did not have South African embassies but there were logistics in place to cater for those who needed visas to travel to South Africa

from those countries. They were allowed to process their visa through agents and they eventually got their visas endorsed in their passports at ports of entry. But with time as most of these countries had embassies or consulates people were obliged acquire or obtain visas before travelling.

For these West Africans immigrants in Cape Town, but for a few who came in with student, work and business visas, most of them came into the country with a visitor's visa which usually gave them a maximum of three months to be in the country. These immigrants did not come with the intention to leave before their visas expired. They came to stay and make a better life for themselves in South Africa. There were a few who came clandestinely into the country, making use of the South African Mozambique border which has a history of fostering illegal migration. These illegal immigrants embarked on adventurous journeys traversing several African countries with the help of syndicates who worked with corrupt immigration and border control officers. For these immigrants to remain legal in the country, they were bound to look for other means to obtain legal documents. The chapter further provides an insight into how West African immigrants after finding themselves in the country struggled to extend their visas or obtain other types of document to prolong and legalise their stay. It investigates the difficulties of extending visas and also the application, processing and adjudication of other forms of documents like asylum and refugee permits, work and study permits, spousal permits and permanent residence. The chapter reveals how the quest for documents by West Africans will continuously be a struggle if measures are not put in place to address the logistical and administrative machinery of the Department of Home Affairs. It is easy to put in place restrictive immigration laws but that alone does not stop people from coming into the country. In this chapter we find that the refugee asylum regime in South Africa is overloaded because of increasing restriction for people to access other forms of permits to legalise their stay.

Chapter three examines how delays in the extending and processing of visas and permits of these immigrants affected their lives in various ways. It traces the causes of these delays to the huge numbers of immigrants in the country applying for documents to extend their stay and the incapacity of the Department of Home Affairs which was not logistically equipped to handle the influx. This led to a backlog in the processing of applications visas and permits. The immediate consequence of all these was that many of these immigrants were deprived of their right to legal documents and the opportunities that comes with them

processing these documents. The chapter shows how immigrants found themselves technically illegal because they could not be assisted by Home Affairs officials, a situation which was not their fault but they had to endure the consequences. It touches on the emotional implications of being in possession of documents. There was a lot of relief and excitement when most of these immigrants eventually obtained the much sought after documents legalising their stay but there was also the down side of misery and pain when these document were not issued or even when they did not open doors for opportunities which these people thought they would. The materiality of some of the documents that were issued to these immigrants is examined in this chapter. Taking the refugee and the asylum seeker permits as examples it shows that their materiality cast a lot of doubts about their authenticity and subjection to falsification. For these reasons most corporate institutions like banks and even state and municipal institutions refused to recognise them as genuine documents of identification. Faced with all the problems relating to documents, the chapter shows how these immigrants had to struggle to survive in an environment where the documents they possessed limited their abilities and opportunities to have access to the economy and certain services to enhance their lives. Most of them turned to informal trading which thanks to the policies of the City of Cape Town accommodated them with less prejudice.



This thesis makes a contribution to histories of immigration in its central focus on documents. It could have been enhanced by perspectives of officials who issue documents. Further the role of women immigrants does not receive adequate attention. Yet it does show how central documents in their immigration experience

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