

Fiscal Implications of Illegal Migration: Impact on South Africa as a 'Receiving' Country

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Abstract: International migration is a worldwide phenomenon that happens due to various reasons such as economic stability, war, political situations and so forth. South Africa's migration started around the 1860's with the discovery of gold in the Witwatersrand and diamonds in the Orange Free State. The change of political leadership from apartheid system to the new democracy drew many migrants all over the world to South Africa. Whilst volumes in migration are said to have increased since 1990, South Africa, Botswana and Namibia are said to be destinations of choice in the SADC region for illegal migrants. Illegal migration is said to be difficult to measure clandestine migration due to its complexity such as political, socioeconomic, wars and other factors. South Africa's migration control and deportation rate is said to have increased post 1990 having a serious dent on the fiscus. There is however, no publicly available financial information on South Africa's expenditure on immigration enforcement. This paper is a desk top analysis of the fiscal implications of illegal immigrants on South Africa as a 'receiving' country. This paper focuses on areas where there are financial implications caused by illegal migration. The results of this desktop research indicate that access to records on how much South Africa spend on the detention and deportation of illegal immigrants is not easily available as such information on the budget spent by the country is collected from limited resources. The limited studies on the fiscal implications on 'receiving' countries such as South Africa indicate that it is a sizable amount.

Keywords: Deportation, Economy, Fiscal implications, Illegal migration, Receiving country

1. Introduction

South Africa has experienced inflow of migrants since the 1860's with the discovery of gold in the Witwatersrand and diamonds in the Orange Free State. The discovery of these precious stones led to the high demand for cheap contract labour by the mining industry during the apartheid era. All the countries surrounding South Africa like Lesotho, Botswana, Zimbabwe, Namibia, Mozambique, and Swaziland acted as reservoirs for cheap contract labour (McDonald, 2000). When the apartheid government ended in 1994, it was noted that there was an increase in migration into South Africa due to its social, economic and political climate (McDonald, 2000). The political and economic turmoil in Zimbabwe for instance, led to a high migration rate of Zimbabweans into South Africa, the majority of whom are said to be undocumented (Forced Migration Studies Programme, 2007). Migration is a thorny issue affecting the global world as a humanitarian concern, hence the coming together of the United Nations Member States to finalize two global compacts on migration, i.e. the Global Compact for

Safe, Orderly and Regular Migration and the Global Compact on Refugees. This Global Compact is based on the 2030 Agenda for Sustainable Development and the Addis Ababa Action Agenda which is informed by the Declaration of the High-level Dialogue on International Migration and Development, adopted in October 2013 (International Organisation for Migration, 2019). Sec 15 (c) of the Global Compact which is on the acknowledgement of the national sovereignty of states reaffirms the sovereign right of States to determine their national migration policy and their prerogative to govern migration within their jurisdiction within the ambits of international law. States are allowed to distinguish between regular and irregular migration status of migrants and to determine their legislative and policy measures for the implementation of the Global Compact. It is argued that with the upward migration trends in South Africa, there has been an increase in human rights violations, which if not attended to, have a potential to create strained relationships between South Africa and the international communities (Solomon, 2000; Crush & McDonald, 2002; Human Rights Watch, 2006; Forced Migration Studies

Programme & Musina Legal Advice Office, 2007; Landau, 2007; IRIN, 2008).

2. Statement of the Problem

Internally and external migration were severely restricted during the apartheid era with the Pass Laws requiring both residential and work permits for blacks to live in restricted areas. In comparison to other African countries post-apartheid South Africa is seen as having increased economic opportunities by both legal and illegal migrants (Solomon, 2003; Maharaj, 2004; PHAMSA, 2005; HRW 2006; Tsheola, 2008) hence the said high illegal migrant population. There are many reasons for the high irregular migration into the country as cited by researchers and human rights organisations ranging from the perceived wide differences in income levels, economic and political conditions (Maharaj, 2004; HRW, 2006; FMSP, 2007). According to ILO (1998) people migrate to South Africa due to the perception that South Africa's employment rate is high making it easy for migrants to get jobs; the truth is the unemployment rate for South Africa has risen post 1990 especially amongst the youth and the unskilled. Countries such as Zimbabwe, Mozambique, Swaziland and Lesotho, although little is written about the last two countries, share borders with South Africa making it easy for migrants to decide whether to migrate or not (Solomon, 1996; Kok *et al.*, 2006; FMSP & MLAO, 2007).

Another reason that is mentioned for the high illegal migration is the assistance that was given to black South Africans during apartheid. The international community is said to have played a major role in bringing about the end of apartheid through various endeavours such as financial assistance, provision of arms, accommodating exiles, etc. (SAHO, ndp). The expectations of people in the SADC regions is that South Africa has a moral obligation to help them as these countries helped establish and develop the South African economy (Kloppers, 2006; Cross *et al.*, 2006; Mello, 2008). Another reason given for the high illegal migrants in South Africa is because its borders are seen as "porous" and thus encourage illegal migration coupled with corruption by Department of Home Affairs (DHA) (Maharaj, 2004; McDonald *et al.*, 1998; HRW, 2006; Kok *et al.*, 2006; Landau, 2007; Johnson & Altbeker, 2011).

Whilst immense research is done on immigrants in countries there is still a vacuum on their impact on the

fiscus of 'receiving countries'. Most literature focuses on immigrants who are asylum seekers than those who enter the country whilst they are not asylum seekers. Arguably illegal immigrants are bound to apply for asylum seeking status because they are not immediately deported if detected, but investigations are done to confirm their assertions whilst they stay in the country. In the SADC region, it is affirmed that South Africa, Botswana and Namibia are the primary destinations for illegal immigrants with the majority coming from Zimbabwe, Mozambique, the Democratic Republic of the Congo, Angola, Somalia, Rwanda and Malawi and Mozambique. Botswana and South Africa are said to be the countries actively apprehending and deporting illegal immigrants (Campbell, 2006; Hiropoulos, 2017).

The socio-economic impact of illegal immigrants in South Africa is viewed by different researchers, although on a small scale, as negative resulting in high crime rates (Solomon, 2000) whilst the majority view it as positive in terms of skills development and transfer (McDonald, 2000). This is true for legal immigrants, it is however debatable whether illegal immigrants have a positive impact on receiving countries, this is because they are said to be competing for scarce resources with the locals leading to tensions and sporadic xenophobic attacks. The number of illegal immigrants in South Africa cannot be confirmed because of the clandestine nature of migration, the same is also said for Botswana and Namibia (Campbell, 2006; Segati & Landau, 2011). The estimation, however, is that between 2.5 and 12 million illegal immigrants are in the country according to Campbell (2006). Vigneswaran & Dopunchel (2009) indicate that around 350 000 deportations were done in the country in 2009. The estimation of undocumented migrants according to Segati & Landau (2011) can be done by calculating the number of people who overstay their visas, number of people arrested and those repatriated by South African police and immigration services. The aim of this paper is to postulate fiscal implications of illegal migration on South Africa as a 'receiving' country. This paper aims at answering the question 'how much South Africa spends on controlling illegal migration'.

3. Measures South Africa Has in Place to Manage Illegal Migration

Immigration issues in South Africa are regulated by the 2002 Immigration Act with its accompanying Regulations and the Refugees Act both administered

by DHA. The South African Police Service and the South African Defence Force also provide immigration enforcement (Republic of South Africa, 2002). South Africa is criticized by migrant researchers as grossly xenophobic likening it to the apartheid regime which was only interested in skilled immigrants (Christie, 1997; Maharaj, 2004; Crush *et al.*, 2005(a); FMSP, 2007). The truth however is, there is probably no country that is interested in unskilled illegal immigrants because besides breaking immigration laws, they are a burden to host countries since they do not contribute to the GDP but utilize services and resources meant for locals. South Africa's measures to control the inflow is seen as ineffective and contributes to high levels of xenophobia and human rights abuse. Deporting is not seen as a solution as it seems as merely putting a bandage on a complex issue rather than addressing the root causes according to Ranchod (2005). It is not only the receiving countries that must address reasons for the outflow of people from their countries, whilst it is everyone's responsibility, the burden is felt by host countries. The biggest challenge with illegal immigration is that 'sending' countries seem not to take responsibility to curb illegal immigration. It is left to the 'receiving' countries to deal with the problem, hence countries such as Botswana, Namibia and South Africa take the brunt of criticism in dealing with illegal immigration.

Another measure that was taken by South Africa in conjunction with SADC regions was the drafting of the Protocol of Free Movement of People in 1995. The aim of the policy was to facilitate the movement of citizens of SADC member countries by eliminating internal borders between SADC member states. The Protocol was rejected by South Africa, Namibia and Botswana due to the wide disparities and economic imbalances. For countries like South Africa, Botswana and Namibia, the free movement of people will add a burden on the socio-economic infrastructure as it will intensify the brain-drain to the core and consolidate the underdevelopment status of the region (Solomon, 1997). The Facilitation of Movement of Persons was then developed which was aimed at co-operation of SADC member states in preventing illegal movement of citizens and the promotion of common policies with regard to immigration matters where necessary and feasible. The Facilitation of Movement of Persons was signed by nine states and South Africa (Solomon, 1997; Ranchod, 2005; Cross *et al.*, 2006; Kok *et al.*, 2006; Millard, 2006; FMSP, 2007; Ocho, 2007). It is not clear what then happened to

the protocol except that besides signing it, only four countries had ratified the protocol.

4. The Fiscal Impact of Illegal Migration on South Africa

Campbell (2006) stipulates that "Illegal immigration is an economic exercise that includes all factors associated with the rationalization of costs and benefits involved in the maximization of profits from an economic enterprise". The pivotal issue when discussing illegal immigration is to allude to the fiscal impact illegal immigration has on the host country. Massive budgets are used not only to trace, apprehend and deport, but other areas such as health care, crime, jobs, social security, etc. are greatly affected. Most research focuses on the rights of illegal immigrants without giving due diligence to the fiscal implications. Section 27 of the Constitution of South Africa guarantees basic rights to all who live in it, the right to education, and health care, housing and social welfare (RSA, 1996; Crush, 2001; HRW, 2006; Millard, 2006; Landau, 2007; CoRMSA, 2008). This right extends to South Africans and immigrants alike. However, non-nationals are said to be generally excluded in South Africa which is the juncture where most pro-illegal immigrants argue about. Their argument is that illegal immigrants do not access services and rely on church organizations and social networks for help albeit the fact that such organisations are not coping with the demand of illegal immigrants (Millard, 2000; FMSP, 2007). It is argued that South Africans feel that migrants have a negative impact on South African resources (Crush, 2001; Harris, 2001).

4.1 Economy

In 1994 it was estimated that illegal immigrants cost the state 221 million rands which was one tenth of the Reconstruction and Development Programme budget, and the estimation by then was that the figure would increase to 941 million by the end of the century (Maharaj, 2004). It is also true that immigrants whether legal or illegal also rely on public welfare and social services whilst contributing close to nothing on taxes which have to be carried by the host country (IOM, 2005). South Africa has in the past benefitted from migration through the supply of cheap labour by countries such as Malawi, Zimbabwe, Zambia, Botswana, Lesotho, Swaziland, and Mozambique in the development of the mining sector and on white farms (ILO, 1998). Sriskandarajah (2005) indicated that countries that

have a shortage of manpower benefits from labour supply from sending countries, and in turn labour sending countries also benefit through remittances and that boost economic development in both sending and receiving countries. The challenge is balancing the percentage of illegal immigrants to what host countries can carry, a higher percentage has a negative impact on the fiscus than what illegal immigrants contribute. It is argued that the majority of immigrants have not more than three years of education and no skills, except in subsistence agriculture, hence their inability to contribute positively to the economy of South Africa (Solomon, 2003). Illegal immigrants are bound to compete for low level jobs with South Africans which in turn is arguably what causes the tension between immigrants and locals. Stern & Szalontai (2006), argue that the impact of migration was thought to be positive on receiving countries as immigrants were skilled and less likely to depend on state welfare. However, Christie (1997) asserts that the threat posed by illegal immigrants on the receiving country's economy is real. This is supported by Sebola (2008) who contends that the negative impact on immigrants on South African resources cannot be ignored.

4.2 Job Sector

Generally, unemployment has increased drastically in South Africa; evidently, young people being at the top as compared to adults (Mlatsheni & Rospabé, 2002). Cross-country comparisons regularly affirm that South Africa's unemployment rates are among the highest in the world (ILO, 2015). Formal employment sector reached about more than 8 million in June 2014, where there were 5.1 million unemployed at that time which is a very disturbing social problem in South Africa with the youth topping the list with higher rates than adults at an average of 13.4% in 2008 rising to 15.6% in 2014 (Stats SA, 2014). Accordingly, one can argue that youth unemployment from 2008-2016 has increased and is gradually increasing. The unemployment rate has increased from 27.6% in 2018 to 29% in the second quarter of 2019 (Stats SA, 2019) which is a worrying factor. It is a continuous scourge posing a significant challenge for South Africa and the added burden on the state by illegal immigrants will worsen the situation.

Immigrants in general, whether legal or illegal, are seen as taking jobs away from South Africans and increase the unemployment rate in the country because they accept low wages whilst competing

for jobs with the lower class. They are seen as depressing the remuneration of local labour (Tevera & Zinyama, 2002; Maharaj, 2004; Campbell, 2006; OECD/ILO, 2018). This is because they accept wages below market wages which local people refuse to take, and this causes conflict and contributes to unemployment rates of local people (Solomon, 1996; Simelane, 1999; Harris, 2001; IOM, 2005) despite the fact that South Africa had a high unemployment rate of 35-45% according to Danso & McDonald (2000). They are said to be undermining the ability of the South African labour unions to fight for better wages for the South Africans. According to Crush (2008), organisations like the FMSP (2007) indicate that the perception that illegal migration impact negatively on the job sector is true because it is impossible to enforce legal labour standards due to their illegality and the fact that they avoid being identified for fear of deportation. Whilst acknowledging the impact of immigration on the job market, the impact on the citizenry is downplayed.

The ILO (1998) does not dispute that illegal immigrants may have an impact on South Africa's employment sector; the challenge is that since illegal immigration is not documented, it is thus difficult to gauge the extent of the impact and determining how they contribute to South Africa's unemployment rate. Instead, South Africa is said to be getting a "docile" cheap labour especially in labour intensive sectors like agriculture and mining which make-up 15% of South Africa's GDP (ILO, 1998; Cross *et al.*, 2006; Kok *et al.*, 2006). The argument according to Christie (1997) on the other hand is that countries which allow illegal immigrants to work gives illegal immigrants the ability to remit money and goods to their countries and may thus prevent future migration. The high number of illegal immigrants in South Africa negates the assertion by Christie in that the ability of illegal immigrants to work and send remittances home instead serve as a "pull factor" encouraging others to migrate.

4.3 Crime

It cannot be denied however, that there are researchers who have confirmed that excessive illegal immigration create a climate for survival crimes such as drug trafficking and gun-running, and thus contributes to violent crimes in South Africa (Simelane, 1999; Danso & McDonald, 2000; Tevera & Zinyama, 2002; Solomon, 2003; Maharaj, 2004; FMSP, 2007; Landau, 2007). This is supported by Vigneswaran and

Dopunchel (2009) who postulates that the majority of illegal immigrants detained at South Africa's Lindela repatriation centre were arrested for committing crimes. The dawn of the new democratic South Africa has undoubtedly seen an increase in illegal migration and as such an increase of crime; hence South Africa is viewed as one of the most dangerous countries in the world. This however does not mean that there are no South African criminals, the country has its own ills but the argument here is that illegal immigration does add to the percentage of crime in the country. The fact is, fighting crime has an impact on the fiscal policy of receiving countries, which according to Solomon (1996) leads to the channeling budgets into fighting crime instead of attending to other important issues of receiving countries is something that most immigration researchers do not dwell into. The clandestine nature of illegal migration does make it difficult to estimate the cost (IOM, 2005). Clandestine immigration according to Cross *et al.* (2006) is not positive on receiving countries but can only benefit migrants, their networks, communities and countries. Intriguingly, the fact that illegal immigration has an impact on the increase in crime, safety and security in the host country is something most organisations and immigration researchers vehemently deny.

4.4 Health Sector

It is said to be normal for immigrants to engage in cross-border movement to countries that have better facilities to obtain better health care (McDonald *et al.*, 2000; Crush *et al.*, 2005(a); PHAMSA, 2005; Kok *et al.*, 2006). There is a high number of Mozambique, Swazi and Zimbabwean nationals that are adjacent to the South African border, who utilise health resources in South Africa. According to Sing [ndp] and FMSP (2007), the perception that Zimbabweans are putting a strain on the South African health sector is true due to the collapse of the health system in Zimbabwe. Mozambicans and eSwatini nationals who are close to the borders obviously utilise health services in South Africa. Those who can afford it pay for the services and those who cannot afford access free services just like South Africans. Solomon (1996), Trevera & Zinyama (2002) and Maharaj (2004) argue that since immigrants come from "strife-ravaged areas" they are said to need more medical attention than South Africans and as such are bound to put a burden on the health system a matter that researchers and immigration organisations deny or ignore.

Contrastingly, pro-illegal immigrant organisations and some researchers argue that illegal immigrants are barred from receiving health care and harassed by officials, thus few of them use the services (Crush & Williams, 2005; Williams *et al.*, 2005; Lefko-Everett, 2007; Landau, 2007). This is arguably speculative, since there are organisations such as Chapter 9 institutions and organisations that advocate for the rights of illegal immigrants, and if such were factual, it would be reported and dealt with by them. This notion is supported by Kloppers (2006) that illegal migrants rely on hospitals and clinics in South Africa which is a pull factor for them since health services are said to be poor in the countries of their origin. Once more in September 2007 the National Department of Health in South Africa passed a directive that asylum seekers and refugees, including illegal immigrants, should have access to ART at public health facilities (CoRMSA, 2008) and that has been the case ever since.

4.5 Social Security

In a study undertaken by Kloppers (2006), Mozambican citizens were said to be collecting old age pension and other welfare grants from the South African government. This is not only the case for Mozambicans but a normal thing for communities living next to South African borders (Solomon, 2000; Ranchod, 2005). The same is also done by eSwatini, Lesotho and Zimbabwean nationals, putting a lot of economic pressure on South Africa to achieve socio-economic growth. This goes to the extent of also fraudulently acquiring South African documents and thus accessing housing that is meant for South Africans (Sebola, 2008). The South African Department of Home Affairs under Dr Aaron Motswaledi is fighting to curb the criminality of acquiring South African identity documents by foreign nationals. Illegal immigrants are said to be contributing to the growth of illegal shacks or squatting especially near urban areas (Solomon, 2003; Cross *et al.*, 2006). The impact of illegal immigration on social security cluster still needs further research. The impact may be more serious than postulated. It is however obvious that illegal immigrants fraudulently collect social grants meant for South Africans.

5. Deportation Costs

The costs of illegal migration are too complex to articulate due to lack of information on the actual expenditure on controlling illegal migration.

Estimations however would suffice because of limited available literature focusing on the costs, as most literature instead focuses on the rights of illegal immigrants. It is however noted that research on the costs of deporting illegal immigrants postulate it to be extremely high and is said to be a waste of tax payers' money. Zimbabweans, not excluding Mozambicans, eSwatini and Lesotho nationals, as compared to other groups of illegal immigrants such as Nigerians and Ethiopians, are said to be likely to have been deported previously. This is indicated as a waste of tax payer's money and the capacity of the Department of Home Affairs and the South African Police Services according to CoRMSA (2008) and Solomon (2000). The closer to the South African borders that nationalities are, the easier and more economically viable it is for them to keep on coming back. Repeated offenders are not charged criminally hence they keep on doing it. It was even a norm for illegal immigrants to make it easy to be detected especially during December and Easter time, so they can get a free ride home.

Literature on illegal migration is always almost flawed as it leans more to the offenders than the impact on the receiving country. This is arguably mainly due to organisations fighting for the human rights of immigrants. Researchers however rely more on the literature produced by such organisations because there is limited literature or research/reliable data produced by host countries. When counting the cost of illegal immigration on countries, researchers tend to focus on litigation against DHA but seldom count the cost of detaining, deporting on the host country. Whilst Lindela Repatriation Centre is viewed as a "prison" since keeping illegal immigrants there is seen as "unlawful", the cost chips on the fiscus of the country. Admittedly getting information on how much exactly is spent by government, specifically the Department of Home Affairs at Lindela is difficult (Amit, 2012; Leresche *et al.*, 2012; Hiropoulos, 2017). Information about the cost is collected from the small number of immigration researchers who have showed interest in the fiscal implications of illegal migration. It is said that the Department of Home Affairs spent about R647 million in the 2013/14 fiscal year (National Treasury 2014). Vigneswaran & Copunchel (2009) made an estimation in 2009 that the South African Police Service (SAPS) in Gauteng only was spending around R 8,566 for every illegal foreigner arrested in Gauteng. The African Centre for Migration & Society in its 2009 study on the costs of policing immigration

by SAPS in Gauteng Province found that the province spent about R362,5 million annually to detect, detain and transfer migrants to Lindela (Leresche *et al.*, 2012). This estimation can be safely applied to provinces that share borders with Mozambique, eSwatini, Zimbabwe and Lesotho. There are no estimations by the South African Defence Force, even though they also play a role in protecting South African Borders, they obviously are also spending quite a sizeable amount. This assumption is also supported by Leresche *et al.* (2012), Mthembu-Salter *et al.* (2014), and Camarota (2017). Statistics on the number of deportations done by the Department of Home Affairs also assist in an abstract calculation of the budget spent, information that proves to be difficult to obtain from the department. It is however postulated that between the year 1994 and 2000, about six hundred thousand (600 000) illegal immigrants were deported from South Africa (Crush, 2001).

6. Conclusion and Recommendations

In comparison with other African countries post-apartheid South Africa is seen as having increased economic opportunities by both legal and illegal migrants. In the SADC region, it is affirmed that South Africa, Botswana and Namibia are the primary destinations for illegal immigrants with the majority coming from Zimbabwe, Mozambique, the Democratic Republic of the Congo, Angola, Somalia, Rwanda and Malawi and Mozambique. Botswana and South Africa are said to be the countries actively apprehending and deporting illegal immigrants. It is estimated that the number of immigrants in South Africa are between 2.5 and 12 million. Around 350 000 deportations were done in the country in 2009. Even though South Africa has in the past benefitted from migration through the supply of cheap labour, things have since changed because South Africa at the moment has a very high unemployment rate, especially with the youth and those within the low skills bracket. The cost of illegal migration is too complex to articulate due to lack of information on the actual expenditure on controlling illegal migration. Research on the fiscal impact of illegal migration on receiving countries is limited as most immigration researchers focus on the rights of illegal immigrants. It is however noted that research on the costs of deporting illegal immigrants postulate it to be extremely high and is taking away from the budget that could be servicing South Africans. The country has a high number of people who do not have access

to basic services, the budget could be ploughed back to South Africans, instead the country is "bleeding" money. A substantial part of the South African fiscus is spent on controlling illegal migration, fiscus that could be channelled into the economy of the country. There are repeated offenders who do not get punished, it is like money washed down the drain. The paper therefore recommends the following:

- There is a need for in-depth research on the financial impact of illegal migration on receiving countries.
- The specific budgets and financial information should be easily accessed by researchers to enable the analysis of the impact of illegal migration. This will make it possible for both sending and receiving countries to assess the impact instead of focusing solely on the rights of illegal immigrants.
- There is a need for conventional bilateral relations between South Africa and sending countries, so that they also can play their part in controlling illegal migration in their own countries. The stance as it is right now is as if sending countries do not assume accountability for failing to control illegal migration but leave the onus on receiving countries.
- A system should be developed to recoup money spent on tracking and deporting illegal immigrants.
- The cost of keeping illegal immigrants at Lindela is said to be excessively high, supplying countries of illegal immigrants should bear the cost. This money can be used in creating employment for the youth in the country as it is experiencing a high youth unemployment rate. This will also act as a motivation for countries to control illegal migration from their countries.
- It is important to re-look at the possibility of criminally charging repeated offenders instead of repeatedly deporting them.

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