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Impact of South African migration policies on the migrants' quality of life and the role of social work

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Abstract. This paper discusses the impact of South African migration policies on the migrants' quality of life. It does that with a particular focus on the Bill of Rights as contained in the Constitution of the Republic of South Africa. This is followed by a discussion on the role of social work in addressing any shortcomings that arise as a result of the implementation of the migration policies. This paper is primarily a desk study involving rigorous literature review on migration and relevant South African policies and international instruments. Theoretically, the ecosystems perspective is adopted to support and guide discussions in this paper. The discussions in this paper reveal that the South African migration policies do contribute towards the quality of life of the migrants, however, the challenges emanate from the implementation stage. It is from this understanding that various social work roles are discussed in order to help address the identified challenges.

Keywords. migration, migrants, quality of life, policies, South Africa

1. Introduction

Migration is one of the defining issues of the 21st century, and is an essential, unavoidable and potentially beneficial component of the economic and social life of countries and regions (Kalitanyi & Visser, 2010). Murenje (2020) asserts that we live in an era in which migration is increasing globally and will remain dominant for the foreseeable future. According to Mathe (2018) people's movement, from one country to another, needs to be acknowledged as a serious issue in South Africa and globally. For Hughes, Akkok, Arulmani and Zelloth (2019:1), migration is a term that encompasses a wide variety of movements and situations that involve people of all walks of life, Grecequet and Hellmann (2018) write that migration connects people and places to one and another. According to Gumbu (2020), migrants are people who migrate from their countries to settle on new territory. The United Nations (2019), reports that the number of international migrants globally reached an estimated 272 million in 2019, an increase of 51 million since 2010. Currently, international migrants comprise 3.5 per cent of the global population, compared to 2.8 per cent in the year 2000. While in South Africa, the focus of this study, for the period 2016–2021, Gauteng and Western Cape are estimated to

experience the largest inflow of migrants of approximately, 1 048 440 and 311 004 respectively (Statistics South Africa, 2018:1).

Although people migrate for a number of reasons, it is common cause that the pursuit of quality of life is seen as the most cited reason for people to migrate to different countries and South Africa is no exception. Quality of life is defined as the physical, psychological, and sociological state of being of people (Inoguchi & Fujii, 2013:3). In support of this view, Hendriks and Bartram (2016:92) state that immigrants may be more sensitive to economic conditions than natives because an increased income was for many migrants the key motive for migration. Murenje (2020) maintains that South Africa has and continues to offer the much needed economic attractancy to most Africans from poor nations. According to Mathe (2018), people from neighbouring countries tend to view South Africa as a beacon of hope when situations become unfavorable in their countries. To them, migrating to this 'land of milk and honey' means employment opportunities and subsequently a better life. In the context of this paper, quality of life emanates from the Bill of Rights as enshrined in the Constitution of the Republic of South Africa.

There is no doubt that migration policies of the receiving country may serve as militating or mitigating factor towards the attainment of quality of life by migrants. For example, in terms of the Refugee Act No. 130 of 1998, the South African government is not obligated to ensure specialized care for persons living with disabilities and unaccompanied minors, thus leaving these vulnerable groups exposed to human rights violations (Ngwara, 2019). While on a positive note, Gumbu (2020) states that in South Africa, everyone, including migrants enjoys free primary health care services and emergency services. Against this background, the purpose of this paper is to establish the impact of South African migration policies on the migrants' quality of life. While the role of social work will be discussed in order to indicate how social workers may intervene in instances that it may appear that South African migration policies are militating against the attainment of quality of life by migrants and facilitate human rights violations. The social work intervention is important due to the fact that migrants are migrating because they have specific needs and human rights concerns. Social work intervention is also important in fighting for the advancement of human right and addressing any form of social injustice.

2. Theoretical framework

This paper has adopted the ecosystems perspective as its theoretical framework. In the words of Teater (2014), the ecosystems perspective is a form of general systems theory and was brought to the attention of social work predominantly by two social work academics, Alex Gitterman and Carel Germain, in the late 1970s and early 1980s. The ecosystems perspective describes the ways environments affect people and how people affect their environment (Miley, O' Melia, & DuBois, 2017:22). This perspective is adopted in this paper in order to argue that a mutual and cordial interaction is of paramount importance between the migrants and their environment if their ideal of quality of life is to be realized. In support of this view, Kirst-Ashman and Hull (2018:16) rightfully state that persons are dependent on effective interactions with the social environment in order to survive and thrive. The social environment includes the types of homes people live in, the types of work they do, the amount of money available, and the laws and social rules they live by. When the migrants arrive in South Africa, they become part of the South African environment in various communities and therefore they interact with other people in that environment. The South African environment has resources that can enable the migrants to attain their pursuit of quality of life. For instance, there are schools for children to attend school, health care facilities such as clinics and hospitals in order to access the health

care services. It is stated in this paper that the survival and thriving of the migrants must be in accordance with the South African migration policies and the Constitution as the supreme law of the country.

3. Methodology

This paper is primarily a desk study involving a rigorous literature review on migration and relevant South African policies such as Constitution of the Republic, Refugee Act, Migration Act, Labour Relations Act, Children's Act and international instruments. The literature was purposefully selected around the essential thematic areas of discussion to allow focus and depth.

4. Discussions

4.1. South African Migration policies and Quality of life for migrants

4.1.1. Health care

Access to health care is of paramount importance, and to this end, International Organization for Migration (2008), states that adequate basic healthcare is necessary to better and prolong the lives all human beings. Section 27 (g) of the Refugee Act 130 of 1998 stipulates that a refugee is entitled to the same basic health services which the inhabitants of the Republic receive from time to time (Republic of South Africa, 1998). This section is important since it is consistent with the Constitution of the Republic of South Africa which states that everyone has the right to have access to health care services and no one may be refused emergency medical treatment (Republic of South Africa, 1996). Although the Constitution and Refugee Act are explicit in terms of refugees and migrants 'rights to access health care, the Immigrant Act is different, as it states that staff at clinics and hospitals must find out the legal status of patients before providing care. It is argued in this paper that the process to ascertain the legal status of the migrants might be long and deprive them to receive the medical care. Despite policy documents that guarantee the rights of migrants to access health care services, research conducted by Chekero (2017) in the Limpopo Province reveals that migrant women from Zimbabwe were in some instances denied health care services by medical personnel in Giyani. The findings also indicate situations where doctors prescribed caesarean sections for pregnant migrant women solely because they are not South African and have no papers (Chekero, 2017). This is without any doubt an indication that there is a discrimination against migrants seeking health care services and violation of human rights of the migrants and as such warrants the social work intervention.

4.1.2. Social security

Social security includes both social assistance and social insurance (RSA,2004). The role of social security is to prevent and reduce poverty as well as to promote reintegration (Kaseke, 2010). Section 27(1)(C) of the South African constitution stipulates that everyone has a right to access social security, including social assistance (RSA,1996). For the migrants, they are only restricted from accessing the right in question for a temporary period of five years, after which they can apply for citizenship by reason of naturalization. On receipt of citizenship, they would have a right to social security. According to the South African Government (2020), refugees registered with the Department of Home Affairs, are eligible to receive the special COVID-19 Social Relief of Distress grant. Therefore, it is clear that the South African Constitution caters the migrants when it comes to the right to the social security and this contributes towards the attainment of quality of life.

4.1.3. Education

The right to education constitutes a valuable foundation for integration. According to Mathe (2018) education has been identified as both a push and a pull factor, as lack of educational opportunities from countries of origin made it necessary for children to leave home to continue their education in other parts of the world, where they know education is easily accessible. South Africa is obligated by both national and international law to provide immediate education to refugee and migrant children (Mweni, 2017). Unfortunately, many refugee or migrant learners are refused admission to ordinary public schools because they are not able to furnish documents such as birth certificates or immunization cards. Sometimes it is not possible for a parent or child to ensure that all their documentation is in order before they flee from their home country (Ramjathan-Keogh, 2017:137).

4.1.4. Environment

Human beings have a fundamental right to freedom, equality and adequate living conditions in an environment that allows for a decent life and well-being (Yousfaoui & Yousfaoui, 2020). Section 24 of South Africa's Constitution is dedicated to the environment. All persons residing in South Africa including the migrants have a right to an environment that is not harmful to their health or wellbeing (RSA,1996). Consistent with the ecosystems perspective, migrants interact with others in their environment. However, conflict in this interactions is inevitable as it is common cause that migrants have experienced violent and xenophobic attacks as a result of their interactions with South Africans. Xenophobia is described as actions perpetrated against others by groups or by individuals and permeates through all spheres of life such as workplace, schools, and other community settings (Mian, Andres and Pumariaga, 2011). The year 2008 marked a turning point in the history of South Africa when it comes to the treatment of the migrants. It is in this year that the first and well reported and documented incidents of violent attacks were observed in South Africa. Reports indicate that more than 60 people were killed in xenophobic attacks and the majority were migrants from Mozambique (Sosibo, 2015). According to Maseng (2019) xenophobia has a propensity to affect perceptions of African immigrants and South Africans towards social cohesion and African continental integration, amidst the long-term objective of the African Union to establish the United States of Africa. It is argued in this paper that the violent attacks against the migrants served as a setback in their pursuit of quality of life. This is due to the fact that during the xenophobic attacks, the migrants lose their valuables since their shops are looted and this has economic effects on the migrants.

On a positive note, generally, migrants are living in an enabling environment in South Africa. For instance, migrants are renting space from South Africans for the purpose of running their businesses, in some instances the migrants have bought piece of land for the purpose of running businesses such as shops and rental accommodation. It is worthy to mention in this paper that the South African government takes the plight of migrants serious. For example, In March 2019, the South African government launched its National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance (NAP). Among the actions the NAP identifies to be taken to combat xenophobia, are creating mechanisms to ensure foreigners receive services they are entitled to, facilitating their integration, and embracing a humane and dignified approach to managing migrants, refugees, and asylum seekers (Human Rights Watch, 2020b).

4.1.5. Labour relations

The pursuit of quality of life in a form of employment is one of the push factors for migrants to move to South Africa. According to Badenhorst (2016), labour migration can offer valuable opportunities for migrant workers who cannot secure work in their own countries. Migrant workers flock to bordering countries with prospects of wealth and prosperity. Although the migrants are allowed to work in South Africa, this should be within the confines of the law. To this end, the Immigration Act 13 of 2002 requires a person to be in a possession of a valid work permit. Furthermore, it prohibits an employer from employing an irregular migrant worker and penalties are imposed for transgressions (RSA, 2002).

There is no doubt that there are employers in South Africa who continue to employ the illegal migrants and often take advantage when it comes to labour relations matters such as payment and treatment of these illegal migrants. However, the South African courts have come the rescue of the illegal migrants who are employed in South Africa. In the landmark court case of *Discovery Health vs CCMA* the court ruled that irregular or illegal migrants now have rights under the Labour Relations Act, where they are seen as employees with valid employment contracts (Badernhorst, 2016). Furthermore, the Employment Services Act 4 of 2014 states that an employee who is employed without a valid work permit is entitled to enforce any claim that the employee may have in terms of the statute or contract of employment against his or her employer or any other person who is liable in terms of the law. Although the South African labour related laws protect migrant workers, it is necessary that migrants are made aware of these laws so that their labour related rights cannot be violated without them seeking a recourse.

4.1.6. Child protection

Children are not immune when it comes to the phenomenon of migration. The findings of study by Mabvurira, Matlakala and Masilo (2020) indicates that children from Zimbabwe were seeking to cross the Beitbridge border to South Africa due to the economic factors in Zimbabwe. While the study that focused on unaccompanied minor children, found that children migrated to South Africa due to the quest for education and mainly to secure a better future for themselves (Mathe,2018). There are two major concerns emanating from the above two studies, firstly, the children that seeks to migrate to South Africa are unaccompanied and secondly, they end up being victims of child labour. According to Section 8 (5) of the 1996 Refugee Act (RSA, 1996), an unaccompanied minor is a child under the age of 18 years who has arrived at the frontiers of the State or entered the State and who is not in anyone's custody. There is no doubt that children that migrate unaccompanied by their parents or guardians are in need of care and protection. The protection of children is not only a basic value but also an obligation that is clearly stated in Section 28 of the South African Constitution. Furthermore, South Africa is a signatory to international instruments such as the African Charter on the Rights and Welfare of the Child and Convention on the Rights of the Child. Against this background, it cannot be contested that social workers have an important role in the provision of care and protection services for the migrant children that are unaccompanied.

5. The role of social work

The discussions in this paper have a number of concrete implications for social workers to intervene in the plight of migrants by carrying out various professional roles. This is due to the fact that although the migration policies in South Africa enable migrants to attain the quality of life, there are some challenges when it comes to the implementation stage. For instance, the discussions show that despite migrants having a right to health care services, there are reports of discrimination and stigmatization by health care personnel. To this end, social workers

especially in the medical setting need to advocate for the migrants who are eligible to receive the health care services without any discrimination based on their nationality.

Flowing from the discussions on violence and xenophobic attacks against the migrants in South Africa, it is imperative that social workers should embark on community education in order to foster mutual co-existence and tolerance between the locals and migrants. It is also necessary that social workers should re-position their educational message on Ubuntu. Murenje (2020) states that the Ubuntu concept is relevant to the cardinal values of human dignity and worth and social justice- values which are integral to effectual social work practice. To this end, it is clear that if Ubuntu is rightfully situated in social work interventions, much can be achieved in addressing issues around violence and xenophobic attacks against migrants.

The migration of children, especially unaccompanied, is a serious call for concern for the social work profession. Therefore, there is a need for social workers to intensify the child protection services, and this should be inclusive of inter-country collaboration between the South African social workers and social workers from those countries that have children that migrate with the purpose of pursuing quality of life outside the borders of their own countries. This collaboration is necessary since the South African social workers will need assistance in order to adequately render the family reunification services for the unaccompanied migrant children.

6. Conclusion

This paper has discussed the impact of the South African migration policies on the migrants' quality of life. The discussions show that generally, the South African migrants policies do militate towards the attainment of quality of life by migrants in South Africa. However, at the implementation stage there are challenges that are a cause for concern and social workers have an important role to play in addressing some of the challenges that have been identified.

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