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# The negative impact of the influx of undocumented immigrants into Johannesburg Central Business District, South Africa

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**Abstract:** This paper outlines the challenges caused by undocumented immigrants entering South Africa in large numbers from different parts of the world. Police officials working in the Johannesburg central business district (CBD) have expressed their concerns about the challenges posed by foreign nationals in the city. Data were collected using phenomenological face-to-face interviews with eleven on-duty police officials working at a community service centre and crime prevention unit. The participants included detectives with the relevant knowledge, experience and background. These high-level interviews provided in-depth explanations regarding the impact that influx of immigrants has a substantial positive impact on the South African economy, but is straining an already stretched police force. There is public debate about the xenophobic attacks on foreign nationals, the hateful attitudes that occasionally emerge in the media and in South African communities, and their consequent negative impact on the South African economy. A lack of political will affects service delivery, police-community relations and SAPS staff turnover. The results of this paper show that the South African Police Service (SAPS) needs strategies to curb this phenomenon. Based on these findings, this paper offers recommendations to manage the influx of undocumented foreign nationals into the country by suggesting effective interventions that enhance the existing knowledge on immigration in South Africa.

**Keywords:** Influx, South African Police Service, Undocumented immigrants

## Introduction

The first democratically elected president of the Republic of South Africa, the late Nelson Mandela, said that this country is a rainbow nation, and it welcomes people of different nationalities and backgrounds (Dlamini, 2018). However, the same author points out that the world has seen various outbreaks of hatred and intolerance within South Africa since 2008. This paper aims to shed light on the concerns about the influx of undocumented immigrants into South Africa, to provide policymakers with information regarding the challenges caused by lax legal frameworks, and to show how the challenges of immigration affect South Africans. In addition, it focuses on the complications arising from the influx of foreign nationals from neighbouring countries and from across the African continent. Kalla (2019) explains that after the democratic transition in 1994, South Africa became a priority destination for people seeking asylum from insurrections across the African continent.

The Department of Home Affairs (DHA) (2017b) cites that under several United Nations Conventions such as the 1951 Convention Relating to the Status of Refugees, border areas including towns and villages in close vicinity to the borderline, but which are located within a 10 km zone, are regarded as extended land and air. These areas can affect and/or are affected by illegal cross-border movement and cross-border criminality (Parliamentary Monitoring Group / PMG, 2022). South Africa faces difficult choices in a rapidly changing world. The National Treasury (2017) expressed that the country recognises that its current level of economic growth is not sufficient to tackle poverty and unemployment. As such, this research intends to offer South African lawmakers solutions to the challenges posed by the influx of illegal immigrants, drawing on relevant information and an understanding of the human experience in

situ. Further, this paper unpacks the perceptions that SAPS members in the Johannesburg CBD have regarding immigration. It seeks to understand the influx of foreigners as described from the participants' perspectives, contributing to the development of new knowledge on the subject.

There are several reasons why people migrate from their country of origin. Some flee war or search for better economic opportunities; however, more women migrate independently throughout Africa as compared to men (Mbiyozo, 2018). According to the *Pretoria News* (2017), South Africa's obligations include a duty to share the responsibility of hosting refugees fleeing persecution and insecurity. From 2006 to 2015, the country received approximately 1.06 million asylum seekers. Compared to the combined total of 3.7 million asylum seekers across the 28 member states of the European Union (EU) in the same period, it works out to an average of 132 000 people for each EU nation (*Pretoria News*, 2017). Immigration is inherently linked to South Africa's history, and migrant labour contributes significantly to the country's economy (Organisation for Economic Co-operation and Development/International Labour Organization (OECD/ILO), 2018).

### **Problem statement**

In South Africa, the government's management of undocumented or illegal immigrants is long overdue. According to PMG (2019), issues concerning immigration management affect all three spheres of government. Information on the reason for immigration is not always available in South Africa, and this is also evident in developed countries (Organisation for Economic Co-operation and Development/European Union OECD/EU, 2014). Immigrants are well integrated into the labour market in terms of South Africa's employment and unemployment rates, and studies have found that in general, they do not seem to displace native-born workers (OECD/ILO, 2018). Furthermore, the share of informal work tends to be more significant in lower-income countries as compared to higher-income counterparts. Both of these factors contribute to the impact of immigration when comparing developed and developing countries (OECD/ILO, 2018).

Crush and Peberdy (2018) question whether there is a relationship between South Africa's crime problem and the increasing number of non-citizens in the country. In comparison to the many OECD countries that host immigrants from across the globe, a large number of immigrants in developing countries come from within the regional economic communities (i.e., SADC, ECOWAS etc.), according to OECD/ILO (2018). South Africa's official stance is that it welcomes foreign nationals into the country; however, all who come need to do so lawfully (PMG, 2019). The presence of foreign nationals has had a positive impact on the South African economy. Evidence shows that foreign businesses create jobs for South Africans through direct hiring. When compared, 5% of South African-owned small, medium and micro enterprises (SMMEs) in Tshwane and Johannesburg employ only non-South Africans, while 30% employ both South Africans and non-South Africans. In comparison, 12% of migrant-owned SMMEs employ only South Africans, and nearly half employ both South Africans and non-South Africans (PMG, 2019).

In South Africa, xenophobic attacks continue to threaten the lives and livelihoods of Persons of Concern (PoC), and generate enduring fear and insecurity (United Nations Refugee Agency / UNHCR, 2015). The UNHCR (2015) adds that xenophobia poses a serious threat to their PoC and to other locally defined "outsiders". According to the US State Department (2016), human rights problems in South Africa include the abuse of refugees and asylum seekers; corruption; trafficking of persons; attacks on foreigners; and forced labour, including child labour. Between 2000 and 2017, there was a comparative upsurge in the number of migrants originating from Africa, whose number increased by 68% in that period, followed by Asia at 62%, Latin America and the Caribbean at 52% and Oceania at 51% (United Nations / UN, 2017). In South Africa, there is a widely held assumption that the migration of foreign nationals into the country is both rampant and illegal (Citizen Rights in Africa Initiative, 2009; Hiropoulos, 2017). However, this is contrary to Crush and Peberdy (2018), who posit that the increases in criminal activity are due to organised crime syndicates, and that most immigrants in South Africa (despite their legal status) are in the country seeking employment, trade opportunities, shopping or simply visiting the country. In 2025, xenophobic attacks have risen again by vigilante groups such as "Operation Dudula" calling for closure of businesses owned by foreign nationals and for foreign nationals to go back to their country of origin. This is against human rights. There are also political parties such as Patriotic Alliance also advocating for deportation of undocumented immigrants.

According to Hiropoulos (2017), three million foreign nationals currently live in South Africa, and since 2010, South Africa has given work and study permits through consecutive special permits (Zimbabwean Exemption Permits) to 280 000 Zimbabweans in search of jobs in the country (*Pretoria News*, 2017). The xenophobic attacks against foreign nationals in South Africa in 2008 resulted in the deaths of approximately 56 people (South African Human Rights Commission / SAHRC), 2016). The SAHRC (2016) adds that the outbreak of further xenophobic attacks in 2015 exposed the continued vulnerability of foreign nationals in South Africa, particularly those who come from other

African countries. Many undocumented immigrants who sought a better life made it past South Africa's borders and were forced to live in a society with limited protection (PMG, 2019). When discovered by South African officials from the Police Service, undocumented migrants are subjected to deportation. According to statistics provided by PMG (2019), the number of undocumented foreigners deported was 33 399 in 2015; 23 004 in 2016; 15 033 in 2017; 24 266 in 2018, and 11 455 in 2019.

Amit (2015) notes that many migrants in South Africa, including over 576 000 refugees and asylum seekers, come from the continent. According to the same author, immigrants (both documented and undocumented) come in search of economic opportunities or have fled conflict and persecution in the region, and they predominantly hail from Angola, the Democratic Republic of Congo, Malawi, Mozambique, Rwanda, Somalia and Zimbabwe. After South Africa's first democratic elections in 1994, the pressure to provide jobs for South Africans increased, while the management of immigration flows into the country was neglected (OECD/ILO, 2018). The presence of foreign nationals and their impact on South Africa have come under serious scrutiny.

The City of Ekurhuleni's population has grown rapidly because of migration, to 3.379 million residents (PMG, 2019). However, research shows a positive impact from the presence of immigrant workers on the South African labour market, which in turn has favourable outcomes for foreign nationals within the South African economy (OECD/ILO, 2018). In addition, the presence of immigrants who have been in South Africa for less than ten years appears to increase both the employment rate and the incomes of South African workers. According to PMG (2022), the national Department of Defence (DoD), through the South African National Defence Force (SANDF), is achieving the goal of creating a deterrence at borderline controls, and is succeeding where the South African Police Service (SAPS) has failed to manage the situation. Illegal immigration is a major crisis in the country, and the spaza shops opened by foreign nationals in townships and the CBDs of various urban centres are evidence of the high number of migrants (PMG, 2019). South Africa is regarded as one of the most xenophobic countries worldwide, owing to the rise in anti-foreigner sentiments, political-economic exclusion and physical violence against African migrants (Ochonu, 2020).

The South African Local Government Association (SALGA) has observed the widely held perception that foreign nationals steal jobs from South Africans. However, evidence shows the converse – that immigrant-owned businesses create jobs for South Africans through direct hiring. This was shown in a comparison between South African-owned and foreign-owned SMMEs in Tshwane and Johannesburg. (PMG, 2019). The City of Johannesburg (CoJ) alleges that illegal immigration is compounding the already serious dilemmas that the City faces regarding the delivery of basic services and short-term emergency accommodation (TEA) to its residents. Tension arose between South Africans and foreign nationals because TEA was provided to foreign nationals while South Africans who have been waiting for housing in terms of the official housing list were overlooked. The City's attempts to engage with the DHA and the five Ministers at its helm to deal with the serious challenge of undocumented immigrants, have been unsuccessful. The influx of undocumented immigrants into the City of Johannesburg has affected its ability to deal with its already existing complex socio-economic challenges, which include a high rate of youth unemployment, poverty, inequality, encroachment by legal foreign nationals and undocumented immigrants, and the marginalisation of locals. (PMG, 2019). The study of Lesese, Machethe and Mokwena (2024) reveals that illegal immigrants contribute to house breaking and theft in surrounding residential areas such Honeydew under Johannesburg.

The growing number of hawkers has adversely affected the City's ability to enforce its by-laws, and there has been an increase in illegal mining activities and heightened demand for unplanned service delivery (PMG, 2019). High cross-border mobility is a visible reflection of global inequalities (Faist, 2016); immigrants are blamed for rises in violent crime, drug dealing and drug abuse, unemployment and other social ills. Immigrants from other African countries have become the target of xenophobic attacks because they are often perceived as being in direct competition with South Africans for jobs and services.

## **Materials and methods**

A qualitative research approach and a phenomenological research design were applied to this study. The goal of the phenomenological interviews, which were conducted as conversations, was to obtain rich descriptions of participants' lived experiences. In addition to non-probability sampling strategies, this study utilised purposive and snowball sampling, to identify hard-to-reach individuals who are information-rich. Using their own judgement, the researchers deliberately chose participants who met certain criteria and who are knowledgeable about the topic. The target population are police officials in Johannesburg who are directly affected by the arrival of undocumented foreign nationals in the City. A sample was selected, and deductions were made from the participants about the topic under investigation. All of the selected SAPS personnel worked in the target location. Participants were selected from the Community Service Centre and the Crime Prevention Unit, and included detectives with the relevant knowledge,

experience and background. Data were collected and analysed to the point where no new information emerged and data saturation was reached.

### **Brief literature review**

#### **The role of border control**

In South Africa, several stakeholders engaged with the intention of combatting the influx of undocumented immigrants into the country and particularly, cities such as Johannesburg (PMG, 2022). The Department of Defence (DOD) proposed the involvement and contribution of other government departments for a dedicated governmental effort to deal with the lack of adequate capabilities needed for protecting the borderline (PMG, 2022). All stakeholders agreed that the borders are porous and that illegal immigration poses a significant problem (PMG, 2019). However, despite signalling a willingness to work with stakeholders from across the various sectors, the Department of Home Affairs (DHA) and the SANDF indicated their unhappiness with AfriForum's Border Watch Initiative, as the SANDF has asserted that it is their sole responsibility to maintain the integrity of South Africa's borderline (Mail & Guardian, 2022). The government institutions responsible for managing foreign nationals in terms of the Immigration Act (Republic of South Africa, 2013) include the SAPS and the Departments of Justice, Health, and Home Affairs (Hiropoulos, 2017), who all have a role to play in combatting the challenges related to undocumented immigrants in the country.

#### **The role of the Border Management Authority**

In June 2013, the South African Cabinet established a Border Management Authority (BMA) premised on a new policy paradigm of integrated border management (BMA, 2022). This multi-agency approach to border management includes national departments and agencies such as the Departments of Agriculture, Land Reform and Rural Development; Forestry, Fisheries and the Environment; Health; and Home Affairs; the South African National Defence Force (SANDF); the SAPS; and the South African Revenue Service (SARS), who all have a physical presence in the South African border environment (BMA, 2022).

In future, all ports of entry will only have two state organs involved: the BMA and the South African Revenue Service (Defence Web, 2020). The BMA will deal with this issue by bringing together eight departments (including SARS) under one roof, with 58 different pieces of legislation to manage border control (Defence Web, 2020). The implementation protocol between the DoD and the BMA for regulating and guiding cooperation, and working together at borders has been drafted, agreed upon and signed, and is operational. Cooperation between the DoD and the BMA is currently in place, with cordial relations and no challenges noted thus far (PMG, 2022). The DHA established the BMA as a solution to South Africa's porous borders – as a single implementation entity to assume control of all ports of entry and their borderline functions (PMG, 2019). The entity was formally established as a Schedule 3A Public Entity on 1 April 2023 (BMA, 2022a). The BMA is to be fully established through the integration of five streams of functions performed by the various government departments (BMA, 2022b).

#### **The role of the South African Police Service (SAPS)**

“The SAPS is responsible for the control of the legal and illegal cross-border movement of all persons and goods at all ports of entry, as assigned to it by law” (Police, Defence & Intelligence, 2017). Although the SAPS is responsible for law enforcement, it will need a formal cooperation agreement with the BMA (Defence Web, 2020). The SAPS provides the country's primary immigration enforcement, while the SANDF is mandated to manage its borderlines. At ports of entry and borders, SAPS officials ensure that all port officials operate in safe and secure environments, with a total of 1 796 patrols being conducted regularly in and around the ports of entry (DHA, 2018). In 2014/2015, the SAPS arrested 13 474 individuals for violations of the Immigration Act, and 10 480 individuals in 2015/2016 (SAPS:2015). An example of these violations includes a joint raid between the Group Forensics and Investigation Services, together with the SAPS and the Johannesburg Metropolitan Police Department (JMPD). They conducted four raids on nine different properties in the Johannesburg CBD (PMG, 2019), which resulted in R40 million worth of counterfeit goods being confiscated by the SAPS. Although raids offer one solution, it is alarming to note that the South African government's response to the increase in undocumented immigration since 1994 has been to arrest and deport unauthorised residents (Hiropoulos, 2017), instead of investigating avenues to legalise immigrants – such as the Zimbabwean Exemption Permit (Pretoria News, 2017).

### **The South African National Defence Force (SANDF)**

The SANDF is charged with the responsibility of managing the country's borderline, and this includes the prevention and detection of illegal crossings. The SANDF plays an important role with regard to the Border Management Authority (BMA), by safeguarding South Africa's air, land and sea borders (Defence Web, 2020). The SANDF is permanently deployed for border safeguarding and is involved in the cyberspace domain, as well as the land, air and maritime borderline domains (PMG, 2022). Border safeguarding is the responsibility of the SANDF as a statutory law enforcement agency that protects the borderline at ports of entry, including border posts, gates and maritime territorial waters (PMG, 2022). The main objectives of the SANDF are the defence and protection of South Africa, its people and important national interests; it is also responsible for supporting the SAPS and fulfilling South Africa's treaty obligations (Police, Defence & Intelligence, 2017).

To become more efficient in its borderline defence, the DoD has been integrating modern technological machinery into its defence systems. This technology has been used in border safeguarding for several years and continues to be implemented periodically in the form of unmanned aerial vehicles (UAVs) that are deployed as part of the battlefield surveillance force elements/capability (PMG, 2019). Although the National Treasury allocated R225 million for borderline technology, most of the funds were used for fighting Covid-19, with the remaining R85 million allocated for borderline technology (PMG, 2022). On a positive note, new technology systems in the form of sensors and radars were acquired for deployment on the borderline by 2023 (PMG, 2022).

Additional challenges that the SANDF faces include a lack of personnel and adequate mobility (on land, in the air and at sea), limited transportation capacity, facilities for deployed soldiers that are not up to the required standard, lengthy procurement processes for much-needed personnel, poor borderline infrastructure (border fences, patrol roads and access routes), and legislative impediments. In seeking to overcome the challenges faced on the maritime borderline, plans were put in place for the acquisition of three new inshore multi-mission patrol vessels in 2023, to improve the domination of territorial waters. The feasibility of procuring troop packs that were at the end of their lifespan and therefore below the required standard was also investigated, but due to constraints in funding, these were not procured, further affecting the capabilities of deployed SANDF members. The DoD developed a plan to capacitate its engineers to overcome infrastructure challenges internally, but budget and personnel constraints made the execution of this plan impossible. The dilapidation of facilities and dirty, unhygienic bases where Defence personnel stay during deployment are also a result of the lack of personnel needed to manage and maintain these facilities. (PMG, 2022)

### **The role of the Department of Home Affairs**

The Department of Home Affairs (DHA) is the administrator of the 2002 Immigration Act (Republic of South Africa, 2013) and the accompanying Regulations, as well as the Refugees Act (Hiropoulos, 2017; Republic of South Africa, 1998). The core mandate of the DHA is to be the custodian of the identity and civic status of citizens and to manage immigration securely and efficiently in the interest of economic development and national security (PMG, 2019). Although the DHA is responsible for immigration services and deportations, multiple government departments are involved in the administration of these services (Hiropoulos, 2017). As such, the Department of Correctional Services transferred 970 foreigners convicted of crimes to Lindela Holding Facilities for deportation and has started the process of deporting 20 foreign nationals who were part of the asylum seekers and refugees who protested in Cape Town (DHA, 2020). In November 2018, there were issues regarding electricity in the community of Zandspruit and the DHA, which had been part of the joint enforcement operations in the community, made 35 arrests, 29 of which were deportations and six were orders to leave the country (PMG, 2019). Through joint efforts in April and May 2022, more than 5 500 undocumented people were apprehended along the borders of Zimbabwe and Mozambique, in addition to drugs, firearms, livestock and other contraband being confiscated (Mail & Guardian, 2022). Moreover, a study of Machethe and Mofokeng (2024:116) reveal that some foreign nationals are drug peddlers in South Africa. South Africa's ports of entry process high volumes of travellers; Table 1 depicts a total of 13 320 undocumented travellers who were attempting to cross into South Africa, reported during the 2017/18 Festive Season (DHA, 2018).

**Table 1:** Summary of undocumented travellers reported to port of entry

Undocumented travellers	Number
Mozambicans	4820
Basotho	4126
Zimbabweans	4301
Batswana	18
Swazis	16
South Africans	7
Tanzanians	7
Burundians	6
Malawians	3
Zambians	3
Bangladeshi	2
Ugandan	1
<b>Total</b>	<b>13,310</b>

### Department of Public Works

The Department of Public Works is a critical role player in the Border Control Operational Co-ordinating Committee (BCOCC), as it oversees the infrastructure and operational needs of the border control environment and chairs the BCOCC infrastructure committee (National Treasury, 2008). It is responsible for the installation and maintenance of the borderline fence that prevents the illegal crossing of people, animals and vehicles in places that are not designated ports of entry (PMG, 2019). There have been increased efforts and contributions by the government towards improving the condition of borderline infrastructure, such as building proper and suitable fences and patrol roads (PMG, 2022).

### Department of Social Development

The Gauteng Provincial Department of Social Development, through the Migrant Sub-Unit, assists undocumented migrants by facilitating their engagement with the DHA (PMG, 2019). The Migrant Sub-Unit facilitated orientation sessions between local South Africans and foreign migrants to create better social cohesion, and ran CoJ's Counter Xenophobia Programme (PMG, 2019). Inter-country assistance is offered to foreign nationals who experience personal or social problems as a result of international migration or displacement (South African Government, 2023a).

### The role of an inspectorate unit

An inspectorate unit was established under Section 33 of the Immigration Act, 2002 (Republic of South Africa, 2013). Individuals who fail to comply with South Africa's Immigration Act can be arrested and detained at the Lindela Holding Facility for deportation (Pokroy, 2017). Between July and September 2019, the unit conducted 56 operations. The majority of operations were in Gauteng (PMG, 2019). From these, 22 undocumented foreigners were arrested for deportation, and two employers were charged for transgressing immigration law.

### The South African Human Rights Commission (SAHRC)

Immigration is one of the seven focus areas identified by the SAHRC to effectively fulfil its mandate of promoting, protecting and monitoring the realisation of human rights in South Africa (SAHRC, 2016). According to the UNHCR (2015), xenophobia threatens the lives and livelihoods of refugees, asylum seekers, economic migrants and other locally defined "outsiders", including domestic migrants and ethnic minorities (). The Constitution of the Republic of South Africa affirms the commitment of the South African people to building a society rooted in democratic values, social justice, fundamental rights and the achievement of equality for all (SAHRC, 2017).

However, the South African government has not signed the International Convention on the Protection of all Migrant Workers and Members of their Families (SAHRC, 2017). Due to the lack of ratified protections, stakeholders have to find means to deal with the issue. The CoJ and the SAHRC are collaboratively seeking solutions to the issue of undocumented migrants; this engagement is the result of a complaint from the African Diaspora Forum (PMG, 2019).

## Findings

Courts are one of the avenues that foreign nationals and South African citizens use to find common ground and understanding. On 28 June 2019, South Africa's Constitutional Court handed down a judgment that nullified a decision of the Western Cape High Court, and declared regulation 9(9)(a) of the Immigration Regulations to be constitutionally invalid as it discriminates against a foreign spouse and/or a child of a South African citizen or permanent resident (Mawodza, 2019). This indicates that South Africans and foreign nationals from the continent are creating familial ties, and that foreign nationals have begun to put down roots in South Africa and fully integrate themselves into the South African society. Moreover, according to PMG (2019), the cross-border shopping / retail businesses in the inner city of Johannesburg are mostly run by migrant entrepreneurs, and it was found that one-third of their employees are South African. This is in line with studies on the impact of immigration on the gross domestic product (GDP) of South Africa. This impact on South Africa's is positive, and estimates from an econometric model show that immigrant workers may raise the South African income per capita by up to 5% (OECD/ILO, 2018). The status legal of foreign nationals varies: a 2014 study by the Southern African Migration Programme (SAMP) involving 618 migrants and refugees in Johannesburg found that 46% were asylum seekers, refugees or permanent residents; 20% held work permits; 12% held visitors' permits and 12% had no documentation (PMG, 2019). With just under a quarter of foreign nationals either possessing visitors' permits or having had no documentation at all, it is apparent that this significant number (approximately 1 out of 4), has played a role in the perception that most foreign nationals from Africa are living in South Africa as undocumented immigrants.

Regarding their perceptions of foreign nationals in the inner city, **Participant one** stated: *"In Johannesburg, illegal and unemployed foreign nationals are willing to do anything"*. This is confirmed by statistics that approximately 70% of all arrested illegal miners in the CoJ are undocumented foreign nationals, with the majority from Lesotho, Mozambique and Zimbabwe (PMG, 2019). **Participant two** further qualified this statement by adding: *"I am not trying to be racist or xenophobic, the people cause so many illegal challenges [and] most are foreign nationals. South Africans respect the law, the foreign nationals respect the laws of their countries, but they abuse South African law because of our useless Constitution. Because it is like protecting criminals. We cannot have a community with different morals, and values and you want to control these people. These people are from outside, they got different backgrounds, they have different morals, so those morals they got become irrelevant from the morals of the South Africans. Therefore, South Africans and foreigners only respect the law of their country of origin but in this country, they do not respect it"*.

When discussing the criminality and the high rates of violent and petty crime in the inner city of Johannesburg, **Participant three** said: *"These criminals are not scared of the police"*, and **Participant four** added: *"I am happy with the arrest[s], but the conviction of the criminals is where the main problem is in existence, when it comes to the South African CJS [criminal justice system]. There are so many loopholes when it gets to court owing to insufficient evidence gathered, resulting in suspects being released"*. **Participant five** further explained: *"In Johannesburg, that is why there are so many criminals because there is an opportunity for that. Because wherever there is crime, [there] is desire and opportunity. In Johannesburg there are many populations of illegal foreign nationals with just a few police, this population outnumbers police members. If our government cannot control the influx of foreign nationals into our city [they] will leave the police vulnerable"*.

When discussing the possible reasons for the continued high crime rates in Johannesburg despite continuous police interventions, themes of morality and accountability within the SAPS were raised. A list of probable causes was given by **Participant six**: *"...desperate illegal foreigners, hostels, the need for police firearms and many other reasons"*. **Participant seven** expanded these reasons by saying: *"No, because the police management themselves are corrupt, and the CJS [criminal justice system] is failing us because the police can do their part to arrest, detain and bring offenders to justice. When the arresting police officials get to court, they appear as the perpetrators and the suspects are treated as the victims. When the case gets to court it is where is destroyed because of so much politics, corruption involved and so many stories. Just to let the suspect walk free, without any punishment. We as the police end up paying the price for arresting the perpetrators"*.

The participants discussed the problems facing the SAPS during their enforcement of the law within the inner city and the various local communities within the wider Johannesburg metropolitan region. The participants discussed the various challenges faced when executing their daily duties. Concerns were raised about the perceived brazenness of foreign nationals committing crimes, a lack of tools of trade and the ratio of SAPS members to the community. **Participant eight** said: *"There are so many criminals and foreign nationals living in Johannesburg with more access to firearms"*. **Participant nine** added: *"Yes, police officials in Johannesburg policing environments are outnumbered"*.

by the community members and this makes the police members vulnerable to attacks. In South Africa, we have reached a state of anarchy; we have more community members that are criminally minded as compared to law-abiding citizens". In agreement with the two statements, **Participant ten** concurred: "The community they do not care, for example, the community of Johannesburg CBD, Hillbrow, Jeppy, and Yeoville is dominated by foreigners. These people when they came here, adhered to and used to respect our laws. But if you stay longer, they end up knowing the weaknesses of our judiciary system. Therefore, now these people since they are staying in a town like this, the police are serving the people whom they know their rights, of which those rights if you can check police rights are limited. So these people commit any kind of crime, they commit all kinds of crime just to survive and they are so confident".

**Participant eleven** further added: "One police official, [the] last time I checked, was serving about 138 people in Gauteng, meaning that the ratio of community members must be divided amongst the few remaining police officials. The one police official once serving 100 people is too much, and that is how it affects them. It is very bad".

Despite negative perceptions and sentiments about foreign nationals in the City of Johannesburg, during his tenure the former Mayor of Johannesburg Herman Mashaba stated on numerous occasions that the CoJ welcomes foreign nationals (PMG, 2019) as annotated below:

- All those who come to Johannesburg need to do so lawfully, and while they are here, they must respect the laws of the country;
- The City encourages foreign nationals from all over the world to lawfully visit the City, invest in its economy and help create jobs;
- Foreign nationals bring goods into the country, establish businesses, and stimulate economic growth;
- Foreign nationals contribute their skills and experience in sectors of the economy where they are desperately needed; and
- The City's vision is to create an inclusive and prosperous city, where foreign nationals who are here lawfully can contribute to this vision.

## Conclusion

South Africa's history and position as a regional economic powerhouse make it an attractive destination country for immigrants from the continent (OECD/ILO, 2018). Africans across the continent who are escaping war or civil and political unrest come to South Africa in numbers, and settle in major urban centres such as Johannesburg, Cape Town, Durban and Pretoria. Subsequently, police officials in these areas have to become more resourceful and situationally aware, as these areas are poorly resourced but densely populated. The complexity of scarcities in resource and service delivery in these areas is further compounded by the growing population. Further adding to this is the lack of political will to document these immigrants, leaving them with little choice for survival. Consequently, many of them become involved in the informal job sector or turn to criminal activities and petty crimes to survive. Because they are undocumented, tracking and tracing them through various systems (i.e., hospitals) become impossible, as their biometric details are not registered on any databases. Additionally, criminality abounds in the inner city of Johannesburg, as criminal syndicates intentionally recruit undocumented foreign nationals for criminal activities because their undocumented status means that they are untraceable on governmental databases, thus making them "ghost" criminals.

Criminality seems to be the most prevalent challenge resulting from foreign nationals' presence in the country, and as such, many citizens expect the government to impose feasible, effective and sustainable measures to control the influx of illegal immigrants into South Africa. The government's stance, as upheld by the DHA, is to deport all undocumented foreign nationals. This is reflected in the response to the most recent large-scale xenophobic attacks in Gauteng – in February 2017, when the SAPS reported 136 arrests in and around Pretoria's city centre (Hiropoulos, 2017). To date, the South African government (particularly the SANDF and the Department of Home Affairs) has not taken sufficient action in terms of preventing undocumented immigrants from entering the country. The research participants provided the authors of this paper with their honest perceptions about the influx of undocumented foreign nationals in the Johannesburg policing district. Thanks to the richness of their responses, other police members, SAPS management and stakeholders in the Criminal Justice System could benefit from this paper.

## Recommendations

It is recommended that the SAPS consider the mitigating factors mentioned in this paper and implement the following recommendations by the PMG (2022): the SAPS should maintain and improve cooperation, coordination, and collaboration with counterparts across the borderline; conduct borderline security and control through regular

meetings and the sharing of information; and conduct joint operations. Further, the SAPS should create opportunities for discourse via townhalls within the organisation to update and create better measures to mitigate the phenomenon under study. Raids on criminal activities committed by undocumented immigrants should be multi-sectoral and should be conducted in collaboration with the BMA, who is responsible for securing the borders of South Africa. Integration policies are not the responsibility of individual government departments (OECD/ILO, 2018), but rather, the collective responsibility of all state organs. The government's 2017 White Paper on International Migration (DHA, 2017b) is one of the policy interventions that acknowledges the positive contribution that immigration can make to the South African economy (OECD/ILO, 2018). By implementing pro-immigration policies, the South African government can encourage undocumented migrants to get the necessary paperwork done to enable them to reside in the country legally.

The South African Government needs to prioritise and intensify border security. A coherent whole-of-government approach encompassing all dimensions of immigrant integration should be implemented (OECD/ILO, 2018). Such an approach will build strong collaborative partnerships between government departments and their social and private sector partners, which are necessary for a better fit between labour market demands and migration policies, and will also require effective labour market information systems to be put in place (OECD/ILO, 2018). If properly implemented, these strategies could mitigate the influx of undocumented foreign nationals. However, economic transformation must be at the centre of these policies, enabling black South Africans to fully share in the expanded job and wealth creation while increasing incomes for all citizens (National Treasury, 2017).

South Africa should maximise the positive impact of immigration by refining programmes that manage and integrate immigrants, enabling them to invest in and contribute to the economy where they work and live, while staying safe and leading fulfilling lives (OECD/ILO, 2018). SALGA recommends that the state collaborate with its role players to develop a model policy for the speedy implementation of regulations (PMG, 2019). The SAPS should conduct search operations and frequent raids to curb criminality by South African citizens and undocumented foreign immigrants alike. This could include roadblocks on national routes used from ports of entry. The DoD suggested implementing the recommendation by the KwaZulu-Natal provincial government for the installation of jersey wall barriers to make it more difficult for vehicles to avoid ports of entry and drive across the borderline unencumbered (PMG, 2022).

The SAPS should recruit more personnel for visible policing in and around the inner cities of urban centres. As highlighted by the participants, there is a shortage of workforce personnel in the CoJ and community members tend to outnumber the police force. The BMA and its associated border agencies need to take border security more seriously and should be held accountable for failures at ports of entry. Tightened security will ensure that only those who are documented may gain entry into the country. Moreover, there is an urgent need for a judicial response to counter the culture of impunity that enables perpetrators and related parties to profit from xenophobic violence, scapegoating and other forms of foreign national exclusion (UNHCR, 2015).

SAPS management should make a concerted effort to arrest and convict undocumented immigrants when they are caught conducting illegal activities in South Africa. As participants attested, corruption is rife within the SAPS and the judicial system. This makes it possible for dockets to go missing and allows perpetrators of crime (including undocumented immigrants), to buy their way out of jail and prison sentences. The SAPS must ensure that everyone works in their rank and lives by their moral and ethical code to ensure that when a suspect appears in court, the correct evidence is presented to allow a lengthy sentence to be handed down. SAPS officials must process crime scenes correctly and gather sufficient information and evidence to assist in the successful conviction of a suspect. According to Sections 40 and 41 of the Constitution, all three spheres of government – from national to provincial and local levels – should work in partnership to combat the influx of undocumented immigrants into the country (PMG, 2019).

The national legal framework, and regional and international treaties are the reference point for the arrest and detention of foreign nationals for infringements of the Immigration Act, No. 13 of 2002 (Hiropoulos, 2017; Republic of South Africa, 2013). As Steinmayer (2018) and Lainez (2020) caution, to mitigate risks of disorderly, irregular and unsafe migration, the state, policymakers and labour markets must promote orderly, regular and safe labour migration processes. The final recommendations for all major urban centres are those of the Mayor of the City of Ekurhuleni, Mzwandile Masina (PMG, 2019), who recommends that the way forward is for urban centres to focus on:

- ensuring effective and consequential border management and controls;
- effective relations between the different spheres of government to improve the delivery of public services, which would require, among other things, a response to the need to create decent work and sustainable livelihoods;
- enhancing inter-governmental strategies to support the City in its efforts to deliver on its mandate;
- regulating and enforcing the participation of foreign nationals in the formal sector of the economy;

- broadening the localised law enforcement forum to include the metropolitan police department, Home Affairs, Customs, SAPS and Immigration, with ongoing joint operations targeting hijacked buildings;
- reviewing the Immigration Act of 2002 to handle the abuse of waiver provisions;
- considering the utilisation and integration of the City's municipal courts as immigration courts, as provided for by the Immigration Act;
- enforcing labour law, and regulations with a 70/30 apportionment in favour of South Africans; and
- an intergovernmental relations programme aimed at correcting the status of undocumented foreign nationals in conjunction with the relevant embassies.

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