

Gender and migration in South Africa

Talking to women migrants

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African migration is typically viewed through a male lens. However, women are moving more than ever. Whether fleeing war or seeking to meet their economic needs, more women migrate independently throughout Africa. Many of these travel to South Africa. This report examines the ways in which gender and migration intersect to heighten women's vulnerabilities. Gender-neutral approaches put women at risk and gendered perspectives in policy planning and implementation are needed.

Key findings

- ▶ Most migration policies are gender-neutral or geared towards men.
- ▶ The number of women migrants is increasing in South Africa. A growing proportion is travelling independently of spouses or partners. This will continue to increase.
- ▶ Migration is a major tool in poverty reduction and empowerment for women migrants.
- ▶ Women migrants are more vulnerable to violence, exploitation, abuse and trafficking.
- ▶ African women migrants in South Africa face 'triple' discrimination in xenophobia, racism and misogyny.
- ▶ South Africa's policy response has prioritised punitive measures that do not prevent irregular migration.
- ▶ Restrictive measures have disproportionate impacts on women migrants and children.
- ▶ Many women migrants work in domestic, small business and agricultural environments that come with high risks of exploitation and abuse.
- ▶ Women migrants in South Africa encounter high levels of xenophobia at both community and official levels, including from government officials.
- ▶ Irregular women migrants are unlikely to abuse the asylum system and are afraid to interact with immigration or other officials, even when requiring assistance.
- ▶ Regularising migration from neighbouring countries has potential economic benefits for both source and destination countries. The benefits decrease for both when migration is irregular.

Recommendations

- ▶ Gendered approaches must be applied to South African migration policy formulation and implementation.
- ▶ International frameworks have made encouraging strides in gender mainstreaming migration related policies and practices. South Africa should follow suit.
- ▶ Advancing rights-based gender sensitive migration policies and practices must be prioritised.
- ▶ Policymakers should acknowledge that desperate people need access to the asylum system, including women and children. Efforts to restrict access to abusers are blocking vulnerable people with genuine needs.
- ▶ Policies and practices must consider the development potential of migration for South Africa and for source countries. Migrant women must be included to achieve economic and social progress.
- ▶ The SADC visas and visa regularisation schemes proposed in the white paper should be prioritised, but should consider gender aspects and include minimum quotas for women.
- ▶ More gender disaggregated, policy relevant migration data is needed to build an evidence base on the numbers, patterns and impacts of women migrants.

Introduction

Migration in the country, region and continent has typically been understood as a male phenomenon. However, the number of women migrating is growing substantially. The 'feminisation of migration' refers to an overall rise in the number of women migrants.¹ Besides an increase in number, the migration experience is also profoundly gendered. Gender is central to the causes and consequences of migration and shapes every stage of the journey.² Women are often compelled to migrate for different 'push' and 'pull' factors than men.³ A gendered perspective is critical in understanding and responding to migration.

The characteristics of women migration continue to evolve and change. Historically, women have had less autonomy over migration choices. Yet evidence is now showing that a growing number of women are making individual migration decisions and moving more than ever to meet their own or their families' economic needs.⁴ Migration poses various opportunities, risks and vulnerabilities for women migrants. It can contribute to women and girls' capabilities and freedoms but can also expose them to significant risks.⁵

Women's migration pathways and experiences are distinctive from those of men and involve greater exposure to multiple risks. Women migrants are at a greater risk of exploitation and abuse, including trafficking, and are more likely to work in less-regulated and less-visible sectors than men.⁶ In particular, undocumented women migrants often suffer pervasive violations. Xenophobia, racism and patriarchy intersect and expose African women migrants to 'triple' discrimination.⁷ Women also carry more family and reproductive burdens than their male counterparts.⁸

Women's migration pathways and experiences are distinctive from those of men and involve greater exposure to multiple risks

South Africa is the regional migration hub in Southern Africa, including for women. Historically, migration to South Africa was predominantly an act by single, male labourers.⁹ Yet there has been a distinct rise in women migrants, as a proportion of total migrants but particularly in absolute numbers. Estimates indicate the number of women migrants in South Africa has quadrupled since 1990.¹⁰

This report applies a gendered approach to examine the drivers, pathways and experiences of mixed migrant women in and near Cape Town, South Africa from their own perspectives. This study intentionally sought to include African women migrants with a variety of different travel methods and documents as a means of capturing more comprehensive perspectives. They include irregular migrants, asylum seekers, refugees, stateless and lawful permit holders, as well as those who have moved in between categories.



WOMEN MIGRANTS IN
SA ARE INCREASING

Key terms

The terminology involved with migration is complex and there are many working definitions for different classes. For the purposes of this report, the following definitions are used:

Migrant

There is no universally accepted definition of a migrant. The International Organization for Migration defines a migrant as any person who is moving or has moved across an international border or within a state away from his or her habitual place of residence.¹² Further distinctions are commonly made between legal status, whether movement is voluntary, the cause of movement and length of stay.

Mixed migration

Mixed migration refers to cross-border movements of people, including refugees fleeing persecution and conflict, victims of trafficking and people seeking better lives and opportunities. Motivated to move by a multiplicity of factors, people in mixed flows have different legal statuses as well as a variety of vulnerabilities.¹³

Irregular migrant

An irregular migrant moves outside the regulatory norms of the sending, transit or receiving country. A migrant in an irregular situation may have irregular entry, irregular residence or irregular employment. Migrants can move in and out of irregularity as policies or personal circumstances change.¹⁴

Refugee

Refugees are a highly specific category of people with guaranteed rights to protection as defined by international conventions. A refugee is defined as 'someone who has been forced to flee his or her country because of persecution, war or violence. A refugee has a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership in a particular social group.'¹⁵

Asylum seeker

An asylum seeker is someone seeking sanctuary in another country. In order to be recognised as a refugee in South Africa, a person must apply for asylum and demonstrate that his/her fear of persecution in his/her home country is well founded.¹⁶

Stateless

A stateless person is an individual who is not recognised as a citizen or national by any country and is not protected as a citizen. Countries establish their own citizenship requirements, usually by where an individual is born or where her/his parents were born.¹⁷

Economic migrant

This term is used but is not a legal classification and is applied as an umbrella term to a wide array of people who move to advance their economic prospects. The report avoids this term, as it does not correlate to a document class and carries stigma.

The report calls for a gendered approach to migration policies and practices and warns against restrictive policies and practices that increase vulnerability for women and children. South African migration policy is increasingly focused on a self-described 'risk-based approach'¹¹ that seeks to keep risks outside national borders. This approach involves severely restricting accessibility and the rights of migrants.

This report argues that many of these restrictions will disproportionately affect women and increase their vulnerability. Instead, it proposes implementing gender mainstreaming in immigration decisions, introducing more legal pathways and improving the asylum system as mechanisms to reduce irregular entry and protect vulnerable women and children.

Methodology

This report included a literature review, focus group discussions, life history interviews and key informant interviews. Nine focus group discussions were held with 79 mixed migrant women. Ten life history interviews were conducted with women migrants whose stories were considered particularly relevant to the purposes of the study. Eight key informant interviews were conducted with migration experts, academics, community leaders and non-governmental organisation (NGO) workers.

All interviewed women migrants live in urban or peri-urban contexts in the Western Cape province. Six focus group discussions and nine life history interviews were held within the city boundaries of the City of Cape Town Metropolitan Municipality.¹⁸ Three focus groups and one in-depth interview were conducted in rural environments in the Cape Winelands District Municipality.¹⁹

Accessing mixed migrants presented challenges. The sensitive nature of the topic – specifically, that some migrants are using illegal methods to stay or work in the country – made it difficult to find participants willing to speak honestly about their experiences. To address this, the researcher used trusted intermediaries, including community organisers and NGOs, to identify possible participants. Anonymity was guaranteed and names never recorded. All traceable features have been removed, including locations, workplaces and personal names. In the rural context, the names of crops and towns have been removed.

The study sought to access women of different sub-Saharan African nationalities, ages, document statuses and life circumstances who have lived in South Africa for varying time periods. The nationalities, document status and locations are provided in tables 1 and 2 and figures 1 and 2.

Table 1: Focus groups

Location	Nationalities	Document status	Participants
Urban	DRC, Rwanda, Republic of Congo, stateless, Zimbabwe, Burundi, Angola	Stateless, asylum seeker, refugee, study visa	9
Urban	Botswana, DRC, Rwanda, Zimbabwe	Spousal visa, refugee, asylum seeker, work visa	10
Rural	Zimbabwe rural	Special dispensation, irregular	11
Rural	Lesotho rural	Irregular	10
Rural	Malawi rural	Irregular	10
Urban	Malawi urban	Irregular	10
Urban	Somalia urban	Asylum seeker, refugee	5
Urban	Somalia urban	Refugee	6
Urban	Botswana, Rwanda, DRC, Malawi	Refugee, work visa	8

Table 2: Life history interviews

Location	Nationalities	Document status
Urban	Zimbabwe	Refugee
Urban	DRC	Asylum seeker
Rural	Zimbabwe	Asylum seeker/Irregular
Urban	Rwanda	Asylum seeker
Urban	DRC	Asylum seeker
Urban	Malawi	Irregular
Urban	Somalia	Refugee
Urban	Malawi	Irregular
Urban	DRC	Asylum seeker
Urban	DRC	Asylum seeker

Figure 1: Participants' nationalities

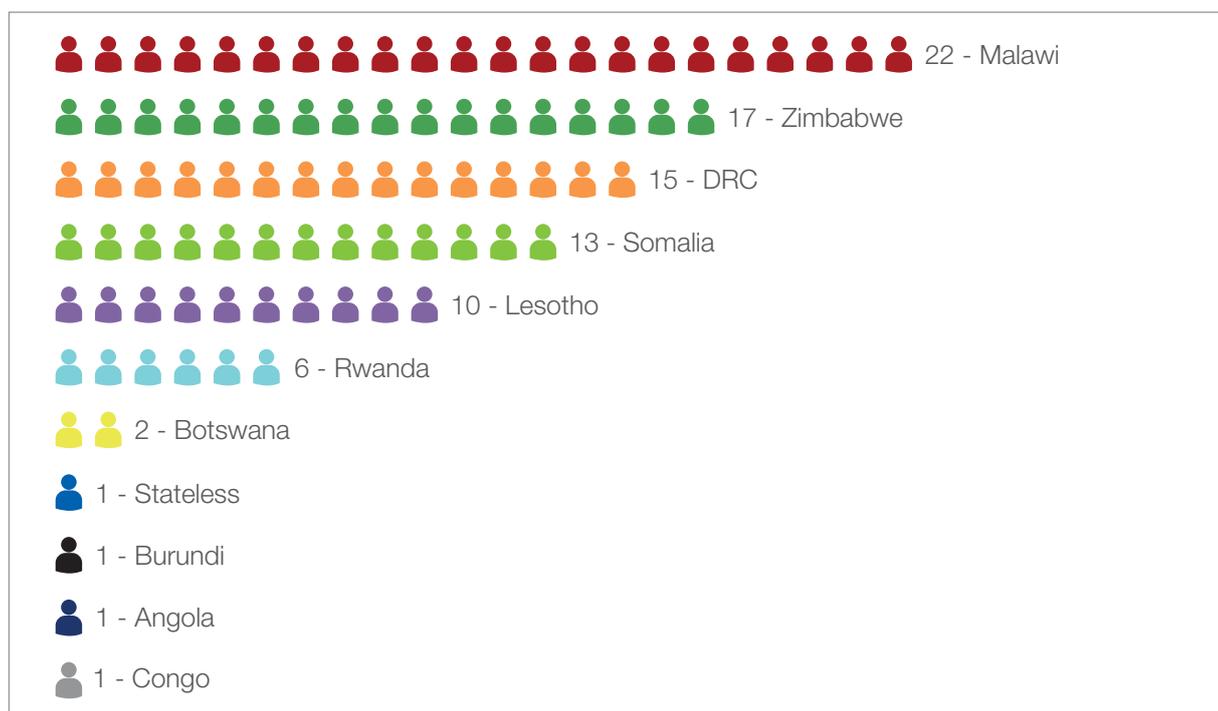
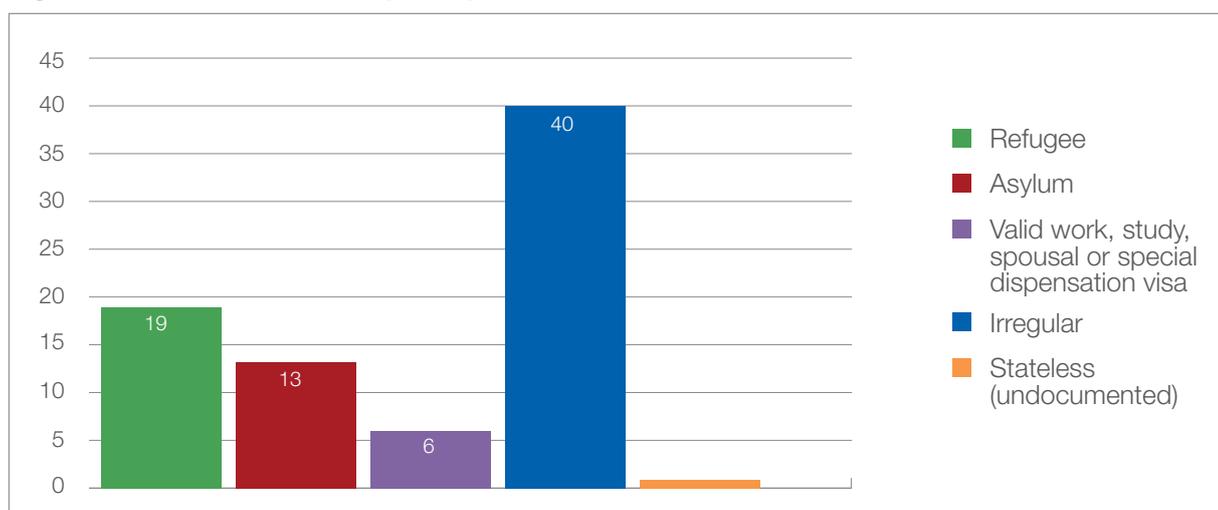


Figure 2: Document status of participants



Limitations

This study is an examination of perceptions among mixed migrant women in Cape Town and surrounding areas. The perspectives included should be interpreted as the experiences of individuals. The language used by participants in this study included many generalisations according to ethnic or national distinctions and has been recorded as expressed.

This study focuses its policy analysis on the Department of Home Affairs and South African domestic migration policies and practices. There are

multiple domestic and international human rights and labour frameworks that impact women migrants in South Africa that are beyond the scope of this report.

This study does not provide a comprehensive overview of the political, social or economic contexts in source or transit countries.

Key nationalities that were not included in this study owing to a lack of access include Nigeria and Ethiopia. Both of these populations have a notable presence in the Western Cape, but access was not achieved.

Participants in this study all travelled to South Africa voluntarily. While some participants indicated concerning conditions with respect to gender-based violence, extortion or other abuses, human trafficking did not arise as a theme. This is contrary to evidence. There are many human trafficking victims with profiles similar to those of study participants. The lack of accounts indicating trafficking likely reflects that participants self-selected into the studies via intermediaries. A more random participant pool would likely have revealed more indicators of human trafficking among African women migrants.

Interviews and focus groups were conducted in English, which was not the mother tongue of any participants. Somali and Sotho translators were used. Translators were trained on the research tools.

This study did not include male perspectives as a comparison.

Accurate data is only available for migrants with legal visas, including skilled workers, special dispensation visas, asylum seekers and refugees

Ethical considerations

Informed consent was provided to all participants. Owing to the sensitive content of the interviews, access to counselling was arranged prior to the focus groups and interviews.

The researcher terminated one interview in process and excused one focus group participant owing to the traumatic nature of the conversations. Both participants were referred to counsellors.

History and context of migration in South Africa

Migrant flows to South Africa have changed significantly in the last couple of decades. Most notably, mixed migration has grown and shifted. It has also diversified and feminised, meaning both the proportion of total migrants and actual number of migrant women have increased.²⁰

Much of this shift is a reflection of apartheid and colonial-era labour migration, which played a fundamental role in South Africa's industrial development. Companies could hire unlimited numbers of foreign workers. Male contract migration, particularly in mining and agriculture, was a regional fixture.

When South Africa opened its borders and economy post-apartheid, migration expanded and became more complex. South Africa integrated with the Southern African Development Community (SADC) region and reconnected with the global economy. Migration of all kinds expanded. Legal migration increased significantly for informal trading, shopping, medical treatment, visiting, formal business and tourism.²¹

Labour migration in recent decades has shifted substantially from company-sponsored to mixed. The proportion of (male) foreign nationals in the mining



MOST MIGRANTS
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COUNTRIES

workforce was estimated at 40% in the 1980s and rose as high as 60% in 2009.²² Increased restrictions and weakening mining and industrial sectors have caused male contract migration to fall substantially, to 23% in 2013.²³ Declining regular options have resulted in increased mixed and clandestine migration. Migrants using irregular and unregulated methods have increased, and more women, youth and families migrate.²⁴

Today, South Africa has the strongest economy in the region. It also offers the most progressive refugee protection regimes, primarily the ability to live and operate outside of camps. Both act as strong pull factors for inward migration of all types.

Most migrants in South Africa come from neighbouring countries. According to the 2011 Statistics South Africa census, 68% of migrants are from SADC countries and 7% from other African countries.²⁵ Accurate migration data is particularly difficult to achieve owing to the clandestine nature of the irregular component. Accurate data is only available for migrants with legal visas, including skilled workers, special dispensation visas, asylum seekers and refugees.

Although some migration is long term, much of it is circular and short term, meaning many migrants do not settle permanently in South Africa.²⁶ Many of these migrants maintain strong connections with their source countries. A 2006 study by the Southern African Migration Program (SAMP) established that nearly 90% of migrants from neighbouring countries returned home at least annually and had 'extremely' strong links with home.²⁷

Most African migrants in South Africa travelled using land routes without the help of smugglers.²⁸ Widely available public transport along well-travelled corridors makes travel relatively inexpensive and easy. Smugglers are typically only used to cross borders or by migrants without documentation travelling through multiple countries. Migrants using these methods do incur costs but typically do not acquire debts to the extent seen in other regions.²⁹

According to the 2011 census, migrants have a lower unemployment rate than South African nationals. Applying an expanded employment rate to the 2011 census, Oxford University economist Raphael Chaskalson determined that 77% of migrants were

employed, compared to 59% of South African nationals.³⁰ The same model concluded with 'reasonable' confidence that low-skilled immigrants had a small positive effect on wages and employment and created a small number of jobs where they settled.³¹

Feminisation of migration in South Africa

Gender-disaggregated migration data in South Africa is mostly unavailable. The scale and complexity make for incomplete and inconsistent migration data overall, but there is a particular dearth of gendered information. However, it is clear that a growing rate and number of women are migrating to South Africa.

Table 3: Women migrants in South Africa

	Total women migrants	Women migrants as % of total population	Women migrants as % of total migrants
1990	446 656	2.3	38.4
1995	392 724	1.8	39.1
2000	401 793	1.7	40.1
2005	498 717	2.0	41.2
2010	880 757	3.4	42.0
2015	1 694 596	6.0	44.4
2017	1 792 275	6.2	44.4

Source: UNDESA 2017 mid-year data³²

Home Affairs provides data on permits granted each year, but it does not include gender breakdowns. However, according to a 2017 SAMP report on harnessing migration for development in Southern Africa:

[g]iven the employment, capital, education and skills criteria for most of the official residence and work permit categories in South Africa, we can reasonably assume a male bias in determining eligibility, meaning a likely male majority in legal residence and work-permit holders.³³

In 2015, men comprised 67% of the asylum claims in South Africa and women 33%.³⁴

Lack of visa pathways

Irregular migration happens primarily because South Africa does not provide work permits to low-skilled or

unskilled migrants. Migrants have adopted a variety of methods to cross borders and stay in South Africa. These include:

- Crossing on a legal permit and either overstaying or returning home regularly to renew
- Falsely claiming asylum on entry without a legitimate case as a means of staying and working until claims are assessed
- Entering clandestinely
- Obtaining false documents, including South African IDs or passports

Most work permits in South Africa go to skilled migrants from outside the region. Between 2001 and 2014, for example, South Africa issued 96 000 work permits, of which just under 25% were granted to Zimbabweans. The only other African countries that featured in the top 10 were Nigeria (5.0%) and Ghana (1.5%). No other Southern African state was in the top 10 origin countries.³⁵

South Africa has implemented six migrant regularisation schemes that have provided legal status to over 500 000 migrants since 1994.³⁶

The largest of these schemes has been a series of three special permits for Zimbabwean nationals: the 2009 Dispensation of Zimbabweans Project (DZP), the 2014 Zimbabwe Special Dispensation Permit (ZSP) and the 2017 Zimbabwe Exemption Permit (ZEP).³⁷

The objectives of the permits were to regularise Zimbabweans who were residing in South Africa illegally, reduce pressure on the asylum system, curb deportations, and give amnesty to Zimbabweans using fake South African documents. The DZP was offered to Zimbabweans living in South Africa with valid passports who could prove they were engaged in employment, business or education.³⁸

Out of approximately 295 000 applications, about 245 000 DZP permits were issued in 2010. It was supposed to be non-renewable, but the ZSP and ZEP were subsequently offered to permit holders to extend their stays. Just under 198 000 ZSPs were issued and Home Affairs is currently adjudicating over 196 000 applicants for the ZEP.³⁹

While the Zimbabwe special permit processes were open to women, no gender considerations were applied. It is unclear how many women applied for or received the special permits, as gendered data is not available. However, the economic activities in which Zimbabwean women migrants engage are more likely to be informal, including domestic work, hairdressing, sex work or trading.⁴⁰ Since eligibility for the permits was based on proof of employment or business, many women were excluded because they lacked the required official documentation proving the legitimacy of their businesses.⁴¹

Immigration policy positions and developments

South Africa's legal refugee framework is a combination of international and domestic instruments. It is a party to the 1951 UN Refugee



MOST SA WORK
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Convention, its 1967 Protocol and the 1969 Organisation of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa. Domestically, the 1998 Refugees Act incorporates these protocols. Importantly, South Africa has a policy of self-settlement and self-sufficiency for asylum seekers and refugees, including the right to work and the right to access public healthcare and education services.⁴²

The 2002 Immigration Act regulates immigration to South Africa. The act regulates the immigration of skilled migrants, students, tourists and other categories of permanent and temporary migrants, as well as the processes related to immigration detention and deportation. Home Affairs is the administrator of the Immigration Act, the accompanying Regulations and the Refugees Act.

Home Affairs is currently instituting a series of immigration and refugee-related policy changes. It produced the White Paper on International Migration in 2017. The white paper is a policy statement that guides the comprehensive review of immigration legislation across eight areas. Some elements are reflected in the Border Management Authority Bill of 2016 and Refugees Amendment Act of 2017. The process of amending legislation related to the white paper is expected to be complete by March 2019.⁴³

None of the current domestic policy documents and developments applies gendered approaches. There is also a troubling lack of gendered language and gender-relevant considerations throughout department documents.

A disconcerting amount of proposed changes involve implementing restrictive measures to low-skilled migrants and asylum seekers. At the core of many policy developments is the implied or expressed problem statement that low-skilled migrants and asylum seekers pose elevated risks and burdens. Home Affairs repeatedly claims that 'economic' migrants have overwhelmed the asylum management system with false claims.⁴⁴ Many of the proposed and enacted changes focus on implementing restrictive measures to reduce pull factors in the existing system. Some of these include harsh measures set to serve as barriers to entry, including limiting asylum seekers' rights to education and work, reducing access to the asylum system, militarising borders, building asylum-processing centres at borders, and establishing provincial-level repatriation centres.⁴⁵

Each of these restrictive measures will have disparate effects on women migrants. Home Affairs avoids labelling the asylum-processing centres as detention centres despite their having many detention centre properties. There is a considerable body of evidence on the effects of detention on mental and physical health, particularly for women and children.⁴⁶ The lack of detail available on provisions for health, education or special considerations for women in these circumstances is deeply concerning.



WOMEN FACE
VIOLENCE
THROUGHOUT THE
MIGRATION PROCESS

Home Affairs itself concedes that it has not sufficiently responded to mixed migration flows from neighbouring countries and that the lack of legal pathways for unskilled and semi-skilled labourers leads to asylum system abuse.⁴⁷ The National Development Plan (NDP) also recognises that South Africa is likely to see a continued increase in women migrants and calls for a more progressive migration policy for both skilled and unskilled migrants.⁴⁸

To these ends, the white paper has proposed further regularisation schemes for nationals from Zimbabwe, Mozambique, Malawi, Botswana, Namibia, Swaziland and Lesotho already living in South Africa. It has also proposed introducing SADC visa options for some economic migrants, including work, trader and small business permits.⁴⁹

These developments are encouraging. Safe and legal avenues for low-skilled migrants are the most robust and successful migration management tools available and hold the most potential to reduce irregular movement.⁵⁰ Still, they do not outline gendered considerations that recognise the roles that women play in the informal, domestic, care and agricultural sectors in particular.

South Africa has also not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Migrant Workers Convention). Adopted in 1990 and in force since 2003, it recognises the specific vulnerabilities of migrant workers and establishes the minimum standards of human rights protections for migrant workers and family members. South Africa has to date resisted pressure to ratify this convention.⁵¹

Gender and migration: an intersectional analysis

As the number of women migrants increases, the characteristics of women migration continue to evolve and change. There has been an increase in independent migration by women (meaning women driven to migrate alone and not following a partner).⁵² Historically, women have had less autonomy over migration choices. Now more are migrating independently for work, education and as heads of households to meet their own or their families' economic needs.⁵³ The overall rise in the

number of African women migrants is linked to the increasing role they play as economic beings.⁵⁴

Despite these changes, women migrants are less able to advance their own interests than men. Women remain more likely to migrate as a result of a family decision, and are more likely to choose destinations according to perceived economic opportunities and the presence of social networks.⁵⁵

Intersectionality is a sociological theory describing multiple and simultaneous threats of discrimination when an individual's identity includes multiple hierarchical classifications.⁵⁶ In South Africa, African migrant women do not experience racism, patriarchy and xenophobia separately. They are mutually dependent and overlap with one another. African women migrants face triple discrimination: as black, as women and as migrants.

Key intersectional factors often shape women's migration experiences.

Violence

Migrant women are subject to violence at all stages of the migration process. Gender-based or sexual violence are common drivers, including conflict-related violence. Women are at a heightened risk in transit and at destination, particularly if not accompanied by a man.

Migrants and refugees living in unstable environments with strangers are often exposed to increased levels of sexual and gender-based violence. Women tend to be more risk averse than men in choosing their travel methods and are more likely to opt for regular channels and use social networks where available, but are still exposed to greater levels of violence.⁵⁷

African women migrants face triple discrimination: as black, as women and as migrants

Harmful practices

Women migrants sometimes migrate in order to escape harmful practices, including forced marriage or genital mutilation. Migration often exposes women to new and different social and gender norms in transit or at

destination. These new norms can sometimes involve harmful practices, for example early marriage as a coping strategy for displacement and protection from economic hardship or isolation. Women migrants and refugees have reported getting married as a method of gaining male partnership to protect them.⁵⁸

Undervalued work

Women migrants are concentrated in unskilled and undervalued work, including the domestic, care and agriculture sectors.⁵⁹ This work is historically undervalued and unprotected. Women often experience disparate ‘deskilling’ whereby they do work that is not aligned with their skills or qualifications. They also often fall into work that is in high demand but is valued lowly and poorly regulated, regardless of their skills. The labour market is highly segmented by gender, class and ethnicity, including for migrants.⁶⁰ Furthermore, evidence shows that women migrants are less likely to be employed than men.⁶¹ Others engage in precarious informal self-employment, including hair braiding or crafts.

Exploitation and abuse

Migrant women, particularly irregular and young migrants, are at elevated risks of forced labour, trafficking, exploitation and abuse at all stages of their migration journeys. The risk of trafficking increases substantially in forced displacement situations. Reports indicate that 80% of trafficking victims are women.⁶²

Additionally, migrant women often work in secluded environments and are vulnerable to physical and sexual violence, exploitation, abuse, under-payment or non-payment, isolation, racial and religious discrimination and other abuse. Precarious living conditions in transit and on arrival expose women to gender-based violence and health vulnerabilities.⁶³

Labour rights

Many women migrants do not have employment rights. Without legal rights, workplace abuses increase. Labour laws and standards also do not protect many migrant women. Given the private nature of most women’s work, abuses increase without documentation and often go unpunished.

Migrants are often powerless to report abuses out of fear of job loss, arrest or deportation. Even when laws do offer protection to women migrants, they are often unaware of these or the legislation is not enforced in isolated environments. Women are also more likely to have their documentation status linked to and defined by their husbands’ statuses, thereby reducing autonomy, particularly in cases of abuse or divorce.⁶⁴

Access to information

Women migrants, particularly girls, have less access to information and to regular migration options than men migrants.⁶⁵ This puts them at greater risk

80%

PROPORTION OF
TRAFFICKING
VICTIMS WHO
ARE WOMEN

of exploitation and abuse. Women migrants tend to be more isolated and less aware of laws, even when they have documents.

Access to services

Access to social protection programmes is a key hindrance for migrant women. This includes banking, healthcare, education and justice. While the same barriers apply to all migrants, women bear the disproportionate burden of family and reproductive health and are often more severely impacted, including during pregnancy.⁶⁶

Gender norms

Displacement and migration often disrupt gender norms and increase or introduce new pressures for both men and women. Men are often not able to provide for or meet the expectations of their families. Women may be expected to work for the first time. Both may be exposed to new social norms and influences. Trauma, a sense of inadequacy or loss of control, and an inability to cope can result in increased domestic violence.

Sometimes restrictive gender roles travel with migrants, particularly if they travel with spouses. Restrictions on women’s movements, for example, can leave them more isolated and vulnerable in a new country where they lack family or community support. Women tend to migrate to countries with less discriminatory practices and greater economic opportunities than their home countries.

Migration has the potential to change gender norms and empower women. It can increase autonomy, skills, remittances and social standing. Migrants are often able to influence dynamics and norms around education, marriage or gender roles in their home communities.⁶⁷

Burden of care

Women carry a heavier burden of family care. Migration can change this burden of care, even increasing it. This can involve adding work to household responsibilities. Migrant women often face a ‘triple’ burden of managing employment and domestic and reproductive responsibilities. Displacement also often results in women-headed households owing to family separation or death.

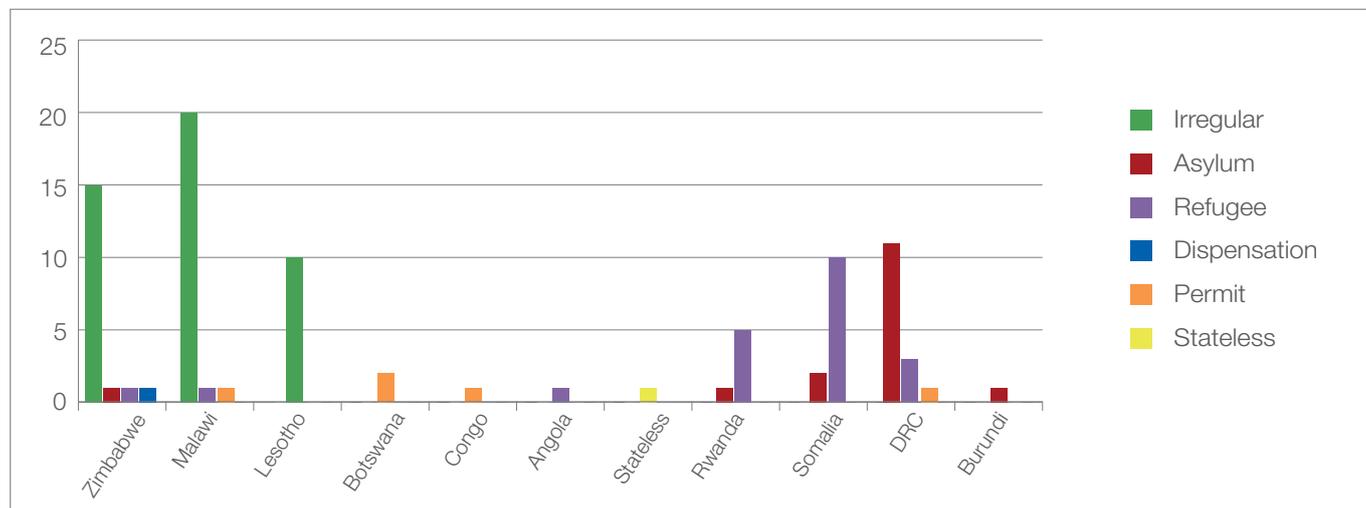
Family separation

For women ‘economic’ migrants in particular, improving their economic conditions often comes at the cost of separation from their families. Low-skilled work provides better incomes or opportunities than the jobs available at home. Women choose increased household income at the cost of leaving their children at home, often to take care of someone else’s children abroad.

Remittances and social standing

Remittances make a substantial contribution to source economies and the household wellbeing of migrant families.⁶⁸ Gender plays a key role in remittance patterns, including amounts, frequency, means, recipients and use. Evidence shows that women send roughly the same

Figure 3: Document status by nationality



amount of remittances as male migrants, but the amount is a larger proportion of their income. They further remit more regularly and over longer periods than men.⁶⁹

The development potential of remittances is determined in large part by who is receiving them. Evidence has shown that women are more likely to invest in education or health compared to men.⁷⁰ Women often remit to other women as a method of ensuring the money is spent as intended. Women migrants are also more likely to remit goods. In addition, women are more likely to remit at their own expense, restricting their own well being in order to send money home.

Focus group results

Nationality and documentation status

Study participants showed a strong correlation between nationality and documentation status. These factors, in turn, had significant impacts on drivers, pathways and experiences.

The links between nationality and documentation status most closely reflect the migration drivers from home countries and communities. Participants from conflict regions were significantly more likely to claim asylum than participants from non-conflict countries. Participants from non-conflict countries reported a high rate of irregular entries and stays within South Africa.

These results are consistent with the intentions of asylum and refugee law. However, they also reflect accessibility. Some participants had experienced circumstances that could qualify for refugee protection but were too confused about or scared of the process to engage in it.

Women often remit to other women as a method of ensuring the money is spent as intended

The Cape Town Refugee Reception Office (RRO), the primary point of contact for asylum seekers and refugees, has been closed since 2012.⁷¹ As such, asylum seekers must lodge and renew their applications in Durban, Musina or Pretoria. The Cape

Town office was ordered to re-open by the Supreme Court of Appeals by 1 April 2018, but to date has not re-opened for new applications.⁷²

It is important to note that nationality alone is not a reliable indicator of migrant drivers. Many women from non-conflict countries do flee owing to political violence or persecution related to their specific circumstances.

Drivers

Push factors

All study participants from the Democratic Republic of Congo (DRC), Burundi, Angola, Rwanda, Somalia and Uganda (stateless) reported leaving to flee violence or persecution. The conditions described included terrorism, community violence and political violence. Personal experiences of rape, beatings, homes being set on fire or bombed, disappearing or killed family members, suicide bombing, detention over personal beliefs, and threats were recounted. All participants reported personal experiences and some described additional general community threats.

My mother died when I was born and I didn't know where my father came from. My father tended cattle as a houseboy in Kasese [north-east Uganda]. He died when I was 10. I stayed at the boss's house after he died. Then he died too. His children chased me out. They told me I'm not even Ugandan. I asked them where I was from but they did not know and said I must look for my own home. I was alone so I got married when I was still young. My husband's family started to have problems because his father was involved in security. They came and killed my husband's father, his brother and my son. My son was sleeping in the house. They came, took cattle and burned the house down with my son in it. Then they cut my husband's leg and did other things I cannot talk about. So we ran away, I still don't know where the other family members went. *Stateless, undocumented.*⁷³

There was a bomb explosion on the doorstep. At the neighbour's house two girls lost their legs and the father was killed. The girls were only six years old. It was too much and we left. *Somalia, refugee.*⁷⁴

My father was a soldier. He was killed. After his death, the people he was working with chased my two brothers thinking he left them secrets. We were running from one border to another and even to Uganda with our mother. But they kept coming looking for my brothers, so we had to leave. We ran to Tanzania and they caught us there. My mother was captured and my brothers were killed.

*DRC, asylum seeker.*⁷⁵

Participants from Zimbabwe and Malawi reported mixed drivers. Some individuals reported fleeing political violence or spousal abuse while the majority of participants from both countries reported leaving for economic reasons.

It is difficult in Malawi to get a job, especially when you are uneducated. And you must pay for everything. Hospital, school, everything. So I came here to work. *Malawi rural, irregular.*⁷⁶

I had split with my husband. He was very abusive. He used to beat me for no reason. I had no friends. He kept me from my family. He would do something and come home and blame me. We were married for nine years and we had three children. The economic situation at that time was not so bad but the political situation was very bad. There was a lot of fear. We used to be forced to buy a membership to the ruling party. 'Consultants' from the ruling part[y] would come door by door to check and see if we had your membership cards. *Zimbabwe, refugee.*⁷⁷

Participants from the DRC and Botswana reported leaving for education or work purposes.

In my country it is not easy to get a nice job if you are not in a 'nice' family. By 'nice' I mean politically connected. So I came here to add some skills like English. *DRC, valid study visa.*⁷⁸

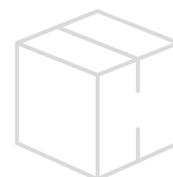
Pull factors

The key feature in deciding on South Africa as a destination, irrespective of documentation status and nationality, was the presence of friends or family. 'Momentum'-based pathways – meaning migrants' following journeys and methods used by other community members – are important pull factors.⁷⁹ Most participants indicated they followed friends or family to South Africa, and to Cape Town specifically.

I came because South Africa is bigger than Malawi. Malawi is a poor country. I had friends living in Cape Town. I asked to stay with a friend and her husband. They allowed me to stay with them for four months while I looked for work. It was a small room. I found work after four months. Now I stay on my own.

*Malawi, irregular.*⁸⁰

While many refugees and asylum seekers reported knowing someone specific, some also reported a general community presence. In particular,



WOMEN MIGRANTS
ARE MORE LIKELY
TO REMIT GOODS

many Somali participants had only general reports of Cape Town, including that there were Somalis living there or that refugees were better protected than in other countries.

I left Kenya because I could not get refugee papers. It is not like South Africa where they give documents. I had nothing to show and the police were there. I didn't know the language and I had no job. I was confused, alone and had no real way to survive my life. Five of us decided to come, all women. One had family already in South Africa. We took trucks. *Somalia, refugee.*⁸¹

Most participants indicated economic opportunities and personal freedom as key pull factors in choosing South Africa. Participants with irregular status emphasised throughout that they came specifically for higher earning potential and job availability.

I was working as a primary school teacher. I now work as a housekeeper. The money was less for teaching than it is here. Every month I send money to my husband for my three children's school fees. *Malawi, irregular.*⁸²

In many cases, participants followed a person or people who misrepresented conditions. Irregular entrants in particular indicated high pressure to 'succeed' as a migrant; as such, migrants often over-report conditions. Many participants admitted to doing the same.

Even me, I cannot tell someone how difficult it is, I just say, 'come'. I do not take photos at my shack. People will think that I am suffering. I go find a nice house in town, like a white person's house, and take a photo there. I do not even tell them I am working by the farm. I tell them I work in a shop or a salon. I could not go home looking like this. I am too thin because the work is too hard. When I am about to go home I must rest for a month to get my normal body back. *Malawi, irregular, rural.*⁸³

People do not give details of their jobs. They say 'security' and you think they are providing security for the President, but they are securing a parking lot. *DRC, refugee.*⁸⁴

Many refugee and asylum seeker participants indicated refugee rights as a key pull factor, specifically compared to those offered in neighbouring countries. Participants in these categories most often travelled via other countries where refugees were not offered documentation, freedom of movement or access to key facilities, including education.

We stayed in a refugee camp in Malawi for two years. There, we met some people from Burundi. Their boys had come to South Africa and found some security jobs and were sending money back to their family. My husband came here using their instructions. I stayed in Malawi for two more years. I



POLICE ARE SEEN
AS LESS THREATENING
IN CAPE TOWN

was happy there but he argued with me about our children's education. At least if they came to South Africa they could get an education and have a chance to do things for themselves. I had not been motivated in a long time. But that motivated me. *DRC, asylum seeker.*⁸⁵

Most participants said economic opportunities and personal freedom were key pull factors in choosing SA

Why Cape Town?

Participants indicated that jobs paid better or were easier to find in Cape Town than in other major centres, specifically Johannesburg. They also claimed that the cost of living was lower than in Johannesburg and the police less of a threat to foreigners. Many reported either living in or travelling through other cities before settling in Cape Town.

Cape Town is a little bit more safe compared to Joburg and Pretoria. It is also easier to find a job, especially restaurant and security jobs. In Cape Town they like to hire foreigners. The salaries are better. In Johannesburg they pay R2 000 but here they pay R5 000. And transport costs are less here too.

*DRC, refugee.*⁸⁶

Rural respondents indicated that they had no choice over where to live owing to a lack of documentation.

If I want a job, I can only go to Joburg or Cape Town if I have a permit. They will ask me for papers and I do not have any. I can go to the farm without a permit and get the job. The bosses only check in dry season for people who have [a g]reen ID [South African ID]. During picking season, they will employ everybody because they need everything to be picked. *Zimbabwe, irregular, rural.*⁸⁷

Economic and family circumstances at source

Participants with asylum seeker or refugee status reported a wide range of economic circumstances prior to departure. Many were young and still in school when

they left. Among adults, some had been working or self-employed while others had not been economically active. In most cases, these participants no longer had immediate family members living at source.

Most lived with surviving spouses and dependents in South Africa. Some had travelled together while others had followed their spouses. Many had travelled with relatives and friends and got married once in South Africa. Most of their immediate family members were now living in South Africa or other international locations. A small number of participants still had parents or extended family in source communities.

Most participants who entered irregularly had immediate family members at source. Almost all of them still considered their source communities as 'home' and had plans to return. Many reported that some or all of their children remained at source under the care of parents or other family members. These participants reported various sibling structures, the most common being that at least some of their siblings had also migrated, either to bigger cities within their home country or internationally. More than half of the respondents with irregular entry reported having siblings in South Africa (24 out of 45).

All participants with irregular status who worked sent money home regularly, including participants in rural locations, who worked for very low wages. Their key motivation was to send money or save money toward a financial goal in their home communities, such as building a house or starting a business. Participants with asylum seeker or refugee status indicated they were more focused on building their lives in South Africa than in their source countries. They also claimed that they typically did not have 'extra' resources to send.

The lifestyle for Congolese in South Africa is different from Zimbabweans or Malawians. You find most Congolese in apartments in the cities and most Zimbabweans and Malawians in townships. Life in the city is expensive. You are working as a security guard or domestic worker and earn R3 500 and you pay R2 500 in rent and you must feed your children and send them to school. There is nothing left to send. A Malawian will be working as a cleaner. Then they tell you they are sending a big fridge

home. I look at them [and] say, 'What? How are you sending a fridge with what you earn here?' Later they say they have already built their homes and they rent it there in Malawi and it becomes a business. I think 'wow'. *DRC, refugee.*⁸⁸

Malawian participants indicated a growing trend of travelling alone. Earlier arrivals (pre-2010) were more likely to have followed a husband, whereas more recent arrivals were more likely to have followed a friend or a sibling. Some of these participants left husbands at home or met husbands in South Africa.

Participants from Lesotho specifically had a very low marriage rate. Only one out of 10 participants were married. Nine out of 10 travelled with or followed a sibling. None of the participants had matriculated. This likely reflects that all Basotho participants in this study were living in rural contexts. Rural work is seasonal, insecure, difficult and poorly paid. The low education and low marriage rates likely indicate that these participants are particularly desperate, have few alternatives and little support. It is possible that Basotho women migrants in other settings have different family characteristics.

Pathways

Physical pathways

All but three participants travelled by road to South Africa. These three arrived by air – one used a legal study visa, while the other two arrived on visitor visas and then claimed asylum on arrival, in 1998 and 2004 respectively. The majority of participants travelled by bus, with some using taxis, trucks or cars.

Participants from closer countries with high traveller volumes, including Zimbabwe, Lesotho, Malawi and Botswana, reported relatively straight forward and safe travel methods, except for border crossings. Some reported incidents of theft or corruption that they considered 'minor'. All of these participants indicated that they had known South Africa was their final destination at the time of departure. Most had known that Cape Town was their final destination, but approximately one-quarter of these participants had stopped first in other South African locations.

Malawian participants reported the highest incidence of problems, mostly related to corruption. They attributed this to the greater number of borders they had crossed. Malawians travelling to and from South Africa are now frequent and well known to authorities and criminals. People target them for crime or extortion, particularly those returning, because they are likely to be moving illegally and carrying cash or goods.

Participants from countries further away, almost all of whom claimed asylum, reported mixed travel patterns and methods. They travelled via a mix of foot, truck, car, bus and boat. Many alternated between different methods for different travel segments. Only a small proportion of these participants had left their home countries intending to travel to South Africa, or Cape Town



BORDER CROSSINGS
WERE THE RISKIEST
AREAS FOR WOMEN

specifically. Most had stopped for prolonged periods in other countries along the way, some for multiple years.

When I left Somalia, I saw people fleeing and just ran with them. We took a boat to Mombasa and then to Kakuma camp in Kenya. But it was not safe. At night people would come and rape the girls. Sometimes there were fights and they would come at night and take girls. There were other Somalis who were coming to South Africa so I came with them. We were a group of seven – four boys and three girls. We just came slowly, slowly through Zambia. Zambia was not good. You don't get documents and it is hard to stay. It took us two or three months to get here one step at a time. Other Somalis said that refugees were welcome here, so we just kept going. *Somalia, refugee.*⁸⁹

Compared to participants from closer countries, participants from countries further away reported more risks and incidents along their journeys. These included attempted rape, transactional sex, extortion, theft and corruption. As with participants from closer countries, border crossings were reported as the riskiest areas.

On our way we had to sleep somewhere. When we stopped, men drivers and passengers at the bus stop would get drunk and wanted to rape the girls. One man pretended he was our father and stayed with us to protect us. *Rwanda, refugee.*⁹⁰

Border crossing

Participants of all nationalities and documentation statuses identified border crossings as the most problematic components of their journeys. They reported corruption as the most common issue, but also reported high levels of violence and threats.

I came by bus with my husband. We had our passports but they only pretended to stamp them at the border. The border crossing was not nice. They separated us and a man tried to rape me. They told my husband to get on the bus, but instead he

fought to find me and saved me. *Zimbabwe, irregular.*⁹¹

Passing from Malawi into Mozambique they caught us and stripped us naked. They thought that was where they could find the money. They searched everywhere. They looked inside the bra. They told us to bend over and open our mouth and inside our hair. Women police did this. If you did have anything, they would take all of it. They would even steal nice clothes and bags and jewellery. *Rwanda, refugee.*⁹²

We spent more than two years in a camp in Namibia. They kept calling us Nigerian and telling us it was not a place for us anymore. One day they lit our fence on fire and said this camp was no longer for us. So we left on foot. Our babies were nine months and two years old. The 'trailer man' assisted us. We paid him R100 each to get from Namibia into South Africa. To cross into South Africa we had to cross the river. The water was too much running. Too many people die in that water. I thought, 'Today I am finished.' My husband had one baby and the man who was helping us had the other one. Even today when I remember this day I want to cry. *Stateless, undocumented.*⁹³

Malawian participants reported the highest incidence of problems, mostly related to corruption

All participants paid bribes or 'fees' at least once during their journeys. Most paid multiple bribes. Participants from countries further away reported paying the most because of the greater number of borders they had to cross. Bribes were paid directly to police and border officials and indirectly through drivers.

We were in a forest for six hours. There was shooting. They were not shooting at us but you could hear the guns. I was alone but I had met other people on the bus. There

were two ladies and a man with a gun who accompanied us into South Africa and protected us. Protected us against what? I don't know. We asked him why he had a gun and he said, 'It is not safe in this forest.' There were dead animals and people's clothes left there. It was scary. I wanted to go back. But my boyfriend told me to just continue on. He was waiting for me. That forest was almost enough to turn me back. My boyfriend told me to keep money everywhere. They undressed us. I hid my money in my pad when I had my period. It was disgusting but I had to. The ladies searched us. They lie to you and say they are trying to help you. I hid a little bit in my bra so that they would find that and leave me alone. I put the rest [one year's savings] in my underpants. They put a stamp on all the other borders but not the South African one. *DRC, asylum seeker.*⁹⁴

Many participants reported having to make calculated decisions on how to cross the border. Participants indicated that border 'jumping' into South Africa was riskier but less expensive, whereas crossing legally was expensive owing to the penalties incurred on return.

Ducking the border is possible but it is not nice. People die there or get robbed. It only costs about R1 000, but it is too scary. People do it still because it is expensive to overstay – at least R3 000 – and they can make your passport invalid and say you cannot come back for 10 years even. *Malawi, irregular.*⁹⁵

Smuggler use

Only a small number of participants reported using smugglers to facilitate their entire journey, using a 'whole package' approach to reach South Africa. These participants were all from countries further away.

We ran away because my father was politically involved and was killed. I went to Tanzania first with my brother. There was someone there who knew how to move people from one country to another. My

brother asked him to find a small place to take me. That guy found a place in the back of a truck and took me from Tanzania to Johannesburg. I was in the back underneath boxes. I wasn't allowed to talk or move or stand up or cough. They told me to just breathe. If someone knew I was hiding they would take me out of the car and leave me behind. I did not know that person. We crossed many borders but I do not know which ones or how many because I was just in the back. *Burundi, asylum seeker.*⁹⁶

Many participants used smugglers to cross borders, and arranged the rest of the journey themselves

Many participants used smugglers to cross borders specifically, and arranged the rest of the journey themselves.

There are bushes on the border and a river. There are men there to help you cross. Sometimes they hold your hand. You meet them at the river. Sometimes it is just R10, but when there are rains and the river is full it is risky. The men who are there to help you sometimes they rape you or rob you in those bushes. After you cross the river you just walk and you find taxis. Sometimes you find police or soldiers there. Some police just ask money, some take you in for questioning. *Lesotho, irregular.*⁹⁷

Document pathways

All 45 study participants who reported irregular entry or stays, said they had travel documents. Less than half reported using them to enter the country. They used methods including illegal crossings, bribing officials not to stamp documents, paying drivers or smugglers to hide them, or obtaining legal entry and overstaying with an expectation of paying penalties on departure. All of them were seeking work or working illegally.

Many of these participants had children at home but had not returned for many years owing to the expense and fears related to travelling. Participants who had

overstayed expected to pay substantial bribes on exit. Some participants said these were official penalties, while others said they paid (R3 000) to get a stamp with a false date on it, indicating that there was no overstay.

Some Lesotho workers were able to use local IDs because they 'look' like locals, whereas participants from Malawi and Zimbabwe said they could not because their physical features are too different.

Only one Zimbabwean participant said she had applied and renewed a special dispensation permit twice. Others said they were unaware of them, were not in the country when they were offered or they were too expensive.

Many participants who were refugee and asylum seekers lacked documentation on arrival. Many left the source without documentation because their departures were hasty. Notably, many asylum seekers crossed the border clandestinely despite intending to claim asylum legally.

Experiences

Participants expressed an overall low quality of life in South Africa. Key barriers described included documentation status, xenophobia and poor living conditions, including high crime.

Nobody dreams of this. Nobody wants to live life as a foreigner in Cape Town. We are running to where there is peace.

Rwanda, refugee.⁹⁸

Participants with asylum seeker and refugee status expressed a higher level of frustration with their experiences. This reflects higher expectations, a desire to establish a long-term presence and, in some cases, higher standards of comparison.

Irregular migrants reported less frustration, despite describing poor conditions. This reflected lower expectations. As previously described, most irregular migrants considered their source countries as 'home'. As such, they were far more likely to consider their time in South Africa as temporary. They were also aware that their lack of documentation made them ineligible for services and had low expectations for what South Africa or South Africans could offer.

Access to documentation

Participants who entered irregularly all felt their lives would improve significantly if they had documentation allowing them to stay and work legally.

Rural participants said they would be able to find better work 'in the city' if they had permits. Working conditions in rural areas are particularly harsh. Wages are exceptionally low and only seasonal work is available. Farms apply strict documentation rules during 'dry' seasons, but relax these during picking season when demand increases sharply.



WOMEN MIGRANTS'
QUALITY OF LIFE IN
SA WAS LOW

They reported working up to 12-hour days for between R120 and R130 per day, which is far below the minimum wage of R20 per hour. Many reported incidents of non-payment and abuse by superiors and co-workers. Cost of living is low, so they were able to survive and send money home on these low salaries. Interestingly, rural participants indicated that employers kept records of their employment. They suspected many employers kept fraudulent records of legal employees.

Many urban participants with irregular status indicated they had had problems finding work or suffered from exploitative conditions. All of these participants reported working in private environments, including households or small private companies. These employers are less likely to be bound to regulatory requirements so are more open to hiring undocumented workers.

All of these participants said they were paid in cash or via cardless transactions. The quality of work environments varied dramatically. Some participants reported good work environments while others reported low pay, exploitation, sexual abuse and other abuses.

I took over my mom's job so she could go back to Malawi. She worked for the same family for 12 years, now I have worked for them for three. They are very nice and pay me well.

Malawi, irregular.⁹⁹

One of my cases is a Zimbabwean domestic worker. The husband raped her. She didn't want to tell people or take him to court because she did not want to lose her job. The wife would never believe her. She did not want to tell her family because they could not do anything to help her. *NGO worker.¹⁰⁰*

Refugees and asylum seekers also highlighted documentation as their primary concern. They demonstrated greater knowledge of documentation and rights than participants with an irregular status. Whereas irregular participants focused primarily on employability, refugees and asylum seekers had a wider range of concerns, including employment, education, status changes, access to services and access to justice. These participants were focused on obtaining and maintaining their status and expressed frustration at barriers within the asylum system.

Many participants described difficulties surrounding complex family predicaments that resulted in documentation vulnerabilities. These include adding children or family members or separating files in instances of death, divorce or abandonment. Many asylum seekers said their children remained undocumented because they did not want to expose them to difficulties in the asylum system, and there were no advantages to their having asylum seeker status.

Participants described considerable difficulties for women and children if the main applicant was a father who had died or left the family. They said Home Affairs was inconsistent, and many claimed that the only way to achieve a fair process was through lawyers.



ACCESSING DOCUMENTS
IS A KEY OBSTACLE
FOR REFUGEES AND
ASYLUM SEEKERS

I cannot add my children to my file because my file is under my brother's file. I just do not understand how the rules apply. I have applied several times and cannot get my kids on my status.
*DRC, refugee.*¹⁰¹

I came to study in 2004 on a bursary. I studied business studies in university. I stayed because I met my husband there. We got married and had our kids here. He left me. My parents and family are all in Botswana but I have no legal rights to take my kids home. My kids have South African citizenship but my spousal visa has expired and they told me I cannot get my permanent residency without a job. I cannot get a job because I no longer have a visa. I applied twice for permanent residency in 2009 and 2014 when I was married. I never heard back in 2009 so I re-applied and am still waiting. *Botswana, legal entry expired.*¹⁰²

Participants also expressed frustration with the long wait periods. Some participants have been waiting for over 10 years for their status determination, meaning they must renew every three to six months, which means long and unpredictable processes and long queues that often take several days.

Even though asylum seekers and refugees have full work rights, participants said that many employers did not understand their status. Asylum seekers reported problems related to their temporary status and having to take regular leave to renew their status. Many participants also said that their qualifications could not be transferred to South Africa and that they were now working below their education or skill level.

The law is clear that refugees can work. But you cannot force a company to comply. Some companies accept refugees but some do not, even though it is in the constitution. Refugee status is a long paper, not an ID card, so it draws attention from the employer right away. Even if it says we can work, it scares them.
*DRC, refugee.*¹⁰³

I have been working for five years in a hotel as a casual employee without any security or benefits. They do this because they know I only have temporary asylum status and cannot stand up for myself and feel lucky just to have work at all. If I had my refugee papers, I would surely get an increase and be made permanent. *DRC, asylum seeker.*¹⁰⁴

Several participants indicated that they had resorted to fraud or corruption when necessary. These cases primarily involved access to school for children.

This system forces people to become corrupt. I know one guy who had status. He had gone to chef school and studied hotel management but everyone said no, because of the asylum paper. Someone said, 'Come, change names.' They gave him a green [South African] ID. He went the very next day to the same hotel and brought the green ID and got the job.
*Rwanda, refugee.*¹⁰⁵

Participants reported many xenophobic experiences with civil servants and government representatives

Participants of all statuses had additional concerns about birth certificates for their children born in South Africa. They had little knowledge of documentation laws and were confused and fearful, which made it easy to mislead them. Most received conflicting reports and very few had obtained records for their children.

I don't have any birth certificate for my baby. I have the one written from the hospital. They [other Malawians] have told me that I cannot get a birth certificate if both my husband and I have overstayed. I went to Home Affairs once to ask and they said they would do it for R3 000. They are just hungry for money. I believe I need one to take my baby back to Malawi but I do not know how to get it.
*Malawi, irregular.*¹⁰⁶

They are refusing to make an ID based on the [South African] father because I only

have a Lesotho passport. The paper from the hospital says the father's name but they tell me that the mother must have a South African ID to get the birth certificate.

*Lesotho, irregular.*¹⁰⁷

Xenophobia

All participants reported experiencing xenophobia at both official and community level. Participants reported many xenophobic experiences with civil servants and government representatives. In particular, they experienced or witnessed high levels of xenophobia at Home Affairs, including staff calling them derogatory names or telling them to leave the country.

Participants said that staff members behaved rudely and dismissively and were intentionally obscure. They claimed that staff regularly contradicted one another. Some said women staff members treated them particularly poorly. Participants further claimed many staff members were corrupt and intentionally confused people as a means of extracting payments.

At one point they were demanding bribes to get the papers you were owed. Sometimes, if you didn't pay bribes, they would give your paper but not input it into the system. So the next time you went, there was no record of you. Your file was gone. Other people who didn't pay bribes got only 21 days at a time. One time, someone who had previously had four years of refugee status was all of a sudden given 21 days. *DRC, asylum seeker.*¹⁰⁸

Asylum seekers expressed much more frustration with Home Affairs than other document classes, including refugees. This was because they interacted with the department more frequently than others. In addition, Home Affairs has identified asylum abuse as a key issue and is intentionally restricting access to reduce pull factors. The closure of the Cape Town RRO was identified as a major frustration for many asylum-seeking participants. In many cases, would-be asylum seekers with genuine protection needs in Cape Town have remained undocumented.

My younger brother arrived last year. He is deaf. We went to Pretoria for him to claim

asylum. We had to pay for bus and hotel and food. When we got to Home Affairs, they said, 'We aren't taking people this week, come next week.' Can you imagine? He went three times but every time they sent him away. He is still undocumented. *Somalia, refugee.*¹⁰⁹

Pregnant women reported medical staff criticising them for having 'too many' children in South Africa

Participants further reported xenophobia in their encounters with police, schools, courts and hospitals. They reported xenophobic comments and refusals to serve them as key issues. Many participants said they had no faith at all in the police or other core services. Knowledge of foreigners' rights in government institutions is inadequate. Many participants reported wilful discrimination or failure to understand their documents and associated rights.

They torture us indirectly. Home Affairs, hospitals and police stations all refuse to help us once they figure out we are foreign. Even the ambulance will not come if they hear your accent on the phone. *DRC, asylum seeker.*¹¹⁰

I was living in one of the townships when they came in with guns. Someone saw it and called the police. The police came and just sat there while the robbers escaped. They never did anything. How did four people manage to escape with the police right there? We pointed the robbers out to the police and they said, 'Hey, do you want me to get shot? Leave me out of this.' *Somalia, refugee.*¹¹¹

Access to healthcare emerged as a common theme. Participants claimed they were dismissed, chastised or made to wait longer than South Africans. In many cases, pregnant women reported medical staff criticising them for having 'too many' children in South Africa.

When I was pregnant, I went to the hospital because something was wrong. They ignored me in the waiting room and then sent me home and said nothing was wrong. I had a miscarriage that night. I went back to hospital

and they said that they would do tests and tell me what went wrong. To this day, I have no test results. *DRC, asylum seeker.*¹¹²

Some participants spoke about the role of politicians in encouraging xenophobia. Participants said that local councillors played a key role.

When they see the high rate of unemployment, people think it is because of foreigners. But if you see the per cent of refugees or foreign nationals, it is not as high as they make you think. But politicians blame the whole crisis on foreigners. They are doing it for political gain. Politicians say that foreigners are the cause of misery and if you give me power I will chase them away. When people hear these things from leaders, they think it is true. *Community organiser.*¹¹³

Participants reported rampant xenophobia within communities. Xenophobic acts ranged from insulting comments and refusals to serve or work with them to looting, rape, assault, stabbings, shootings, mob violence and death. Incidents have occurred in homes, workplaces, public transport and public spaces.

Xenophobia affects us in different ways. Mostly it targets the shops, which get looted. They often lose everything and there is no money. Also the fear. The general situation is really bad for people and there is a lot of fear. Every day, there is a Somali who is killed in a township. Every day there is an incident. People harass them. Often teenagers shoo them. 156 Somali men were killed in 2017. *Somalia, refugee.*¹¹⁴

Women said they endured less xenophobic violence than men, but were exposed to relentless verbal xenophobia, particularly in the workplace. Local employees resented them for their willingness to work hard for low pay and held them responsible for lowering pay scales or increasing workloads.

My co-worker attacked me. She was in the kitchen. I was a cashier. She was a jealous lady. She kept telling me I was Somali [respondent is Congolese] and made fun of me and said I thought I was pretty when I wasn't. She would get mad if I got tips. I spoke to the manager about her because her words were hurting me and I didn't understand her problem with me. I just wanted to get on with my work and to be left alone. The manager didn't do anything. One day a customer asked when his order would be ready. So I asked her and she told me to make the food myself. I checked to see what number it was in the row of tickets. She grabbed my hand and twisted it and threw bread at me and said, 'I will make sure you will go back to where you come from.' I told her to stop and she was hurting me. The manager stopped her. When it was time to close at night, I emptied the rubbish in a garage away from the restaurant. When I was walking back she was hiding in the



WOMEN ENDURED
LESS XENOPHOBIC
VIOLENCE THAN MEN

garage with a broomstick. She said, 'Now it's just me and you, I'm going to send you back to Somalia,' and she started beating me with the stick. I tried to run, I tried to scream but it was very far from people. She made sure to follow me when I was alone. Another staff eventually figured out we were both missing. The manager came running and found her on top of me. He called the owner and then the police. There was video footage of it all. I went to the clinic instead of the police because there was so much blood. I think I still have some broken blood vessels in my face. They fired her and called me back to work. I said no. I can't work there. She could come and kill me. I am not dying for this job, I will find another job. *DRC, asylum seeker.*¹¹⁵

The Sothos look like they are from South Africa. All of us are foreigners and came here with our problems, but they act like locals. They don't want to work. They will say to us, 'You kwerekweres, you work too much. You are making it so that the Boers will not increase our money. You must go back to Zimbabwe. You will see, I am going to take the knife and skin you.' *Zimbabwe, irregular, rural.*¹¹⁶

Participants said they encountered the worst xenophobia in the lowest socio-economic circumstances and that black South Africans perpetrated more xenophobia than other ethnicities. They said that people with higher levels of education were more empathetic towards them.

Education plays an important role in how foreigners are perceived. Those who went to school will try to understand why refugees and foreigners come here. Those who didn't are easily manipulated when the leaders say foreigners took their job. They can believe that easily because they don't understand qualifications. People who understand qualifications will see we don't just steal jobs that belong to them. *DRC, refugee.*¹¹⁷

Some participants acknowledged the impact that South Africa's history, including apartheid and colonialism, had on creating a xenophobic environment.

You have to acknowledge the damage that apartheid did to the minds of the people. There was deprivation of education, of access to resources and everything. In our countries it was different. Botswana was not as rich as South Africa but there was access to education for everyone. That enriches the mind of individuals. People also travelled. I like to take the side of understanding that if you are deprived of education and you are paid slave wages, you are driven to that position. Then you will resent people who come with education or who have travelled. *Botswana, valid visa.*¹¹⁸



CRIME SEVERELY
IMPACTED MIGRANTS'
EXPERIENCES

Standard of living

Most participants reported struggling in terms of their standard of living. This includes work, housing and access to services.

Participants reported problems accessing quality accommodation. Most cited xenophobia among landlords and high costs as key issues. They described poor conditions, including shacks, over-crowding or lack of access to ablution facilities, toilets or other facilities. In many cases, participants had lived in more expansive and private situations in their home countries. Many participants indicated that their expectations regarding living standards were higher than experienced.

Here is better only because we have jobs. When we first came, I looked and asked how am I staying in this nkuku [chicken] house? It was very difficult for me. At home we were poor but we were safe and we lived in a big home. We showered outside. Now I bath in a dish and share a toilet with everybody. *Zimbabwe, irregular, rural.*¹¹⁹

The body corporate kicked her family out of her two-bedroom flat because there were too many people. So her eldest child, 18 years old, is living with a friend. *Somalia, refugee.*¹²⁰

Participants indicated that crime and associated fears severely impacted their experiences. All had been robbed at least once, most multiple times. They had also witnessed or been impacted by a range of other crimes, including severe violence, rape and murder. Most had not experienced the same levels of crime and violence in their home countries. Even participants who had witnessed atrocities or acts of war said that the crime and violence in South Africa were of a different nature.

You just start to fear everyone. I do not know my neighbours. One neighbour came to our door. I would not open because I did not know him. He had seen my husband fix appliances and had brought a kettle. He was nice, but I did not know that and was too scared to open the door. When I finally spoke to him, he said he is Zimbabwean. I was scared of him because I am scared of everybody. *Stateless, undocumented.*¹²¹

Participants without valid permits did not have access to formal banking services and were operating predominantly in cash environments. They sent money home using Internet-based services or black market traders.¹²² These services tend to apply high service charges. Participants also said criminals often knew foreigners carry cash and targeted them.

Many migrants also experienced substantial culture shock on arrival and had problems integrating into society. In many cases, gender norms and roles are very different in South Africa, with many used to more conservative environments. Men and women are introduced to new dynamics on arrival and some people struggle to cope with the changes.

Participants said locals with higher levels of education were more empathetic towards them

Some men are introduced to nightlife and alcohol for the first time. Intimate partner violence, divorce or abandonment occurs relatively frequently. Without language, documentation, family support or financial means, many women are heavily reliant upon their partners. Abandoned women are particularly vulnerable to intimate partner violence, abuse, exploitation and destitution.

At home, always a woman is under a man. But when you move to South Africa, they are talking about gender equality. Some women and men find it difficult to adapt to this. At home, your man gave you the order but now you have these equal rights. Men can find it difficult to stay with women like that. Women who go and report abuse to the police, the man will say 'no, no, no, this is not my culture' and leave his wife. *DRC, refugee.*¹²³

The men who get here and abandon the wife and children, he cannot provide for them so he just leaves them. The women become very vulnerable. If you have that many kids, how can you find a job? Then if they can find a job, but then how can they

pay for care for their kids? How are they going to survive? *Rwanda, refugee*.¹²⁴

A growing number of women are migrating or living in South Africa unaccompanied by men

Challenges increase

Participants who arrived in the 1990s and early 2000s reported easier crossings, greater access to documentation and better reception from the community. All of these long-term migrants said xenophobia and access to documentation in particular had gotten progressively worse over time.

We left in 1997 to find safety. My husband was politically involved. We claimed asylum and got refugee status easily in 1998. Status was easy to keep until 2016, when it expired and we were refused a new one after 18 years. This became an issue for my son, who was still in high school. We got a fake date put in so he could stay in school. We have not successfully renewed but now have lawyers working on it. *DRC, refugee status revoked*.¹²⁵

Many participants reported that refugee status determination in particular was getting stricter and more unpredictable. Some participants also claimed that the provisions and rights that came with different statuses had become more restrictive.

They no longer give status to people because they believe 'most' refugees are not refugees they are economic migrants and are just using the documents to get jobs. The problem is that the Refugee Status Determination officers are not well trained to do this. They put too much emotion and do not focus on the elements of their cases. Refugees often stutter when they tell their stories or are not confident in the language. *DRC, refugee*.¹²⁶

Implications for responses

This study uncovered and reinforced a series of important implications for effective policy responses.

More women are coming alone

One of the unintended findings in this study was that the vast majority of participants were living in South Africa without partners or spouses. Importantly, even fewer travelled with partners. This confirms evidence that a growing number of women are migrating or living unaccompanied by men.

Participants expect this trend to continue growing. Despite reporting harsh circumstances and many challenges, almost all participants indicated they would remain in South Africa. Many women said they would prefer to return to their home countries, but that political or economic conditions were unlikely to change in the foreseeable future. As with 'momentum'-based pathways, the more women who come, the more will follow.¹²⁷

Policy developments should recognise this reality and offer legal pathways that bring women out of illegality and protect them from abuse. The SADC visas and visa regularisation schemes proposed in the white paper are welcome developments, but should consider gender aspects and include minimum quotas for women.

Low asylum abuse

Participants in this study revealed low levels of asylum system abuse. A high number of participants entered or stayed in South Africa irregularly without using the asylum system. Out of 89 participants, two were identified as using asylum to regularise their stay. Both were minors on arrival who used their status as a means of accessing education. All other irregular migrants in this study knew they were ineligible for asylum and were scared to interact with Home Affairs.

Home Affairs has focused many of its restrictive measures on asylum seekers, ostensibly to reduce the asylum system abuse it claims is driving systemic dysfunction. These measures include closing RROs, restricting employment rights and building asylum-processing centres.¹²⁸ These are targeted at people believed to be abusing the system.

Policymakers should acknowledge that desperate people need access to the asylum system, including women and children. Efforts to restrict access to potential abusers are blocking vulnerable people with

genuine needs. Intentionally hindering access to vulnerable people as a means to deter others is both ineffective and cruel. This is not the record South Africa should seek while claiming to uphold human rights.

Restrictions are ineffective and dangerous

South Africa's policy response to large flows of mixed migrants has focused primarily on punitive measures. These include detention, deportation and restricting access and benefits. Yet migrant flows remain high. Many studies show that deterrent measures, including strengthening borders and building asylum-processing centres, do not reduce migration volumes; they merely drive more people to irregular means. For women migrants, this will increase vulnerabilities even further and lead to more violence, extortion, rape and trafficking.¹²⁹

Restrictive policy developments are likely to disproportionately impact women and other vulnerable migrants. This study has reiterated the severe vulnerabilities women face in crossing borders in particular, including disturbing accounts of corruption, violence and gender-based violence. Importantly, even asylum seekers with the legal right to enter the country reported that they preferred to enter clandestinely and claim asylum later.

Many participants in this study were fully aware they would be 'illegal' and exposed to many risks. They came anyway. Their status does not prevent them from moving; it prevents them from moving with dignity and safety, all the while enabling corruption, extortion and poor migration management.

Substantial development prospects

Migration is a major tool in poverty reduction and empowerment of women.¹³⁰ Migrant women must be included to achieve economic and social progress. Most 'economic' migrants in this study participated in circular migration patterns and high levels of remittances. Regularising migration from neighbouring countries, including temporary work programmes, has potential economic benefits for both source and destination countries. The benefits decrease when migration is irregular.

Irregular migration enables black market smuggling and corruption, encouraging money changers and labour brokers instead of channelling benefits into communities and allowing governments to accurately measure and track labour and migration data. Low wages and financial extortion further reduce development potential. Legal pathways would protect migrants, promote employment rights and reduce inequality in the region.

International policy frameworks are increasingly focusing on the critical role of women migrants in achieving development goals. The SADC Migration Framework and the Global Compact for Safe, Orderly and Regular Migration each makes recommendations or sets targets regarding women migrants.¹³¹ South Africa should follow in this direction. Policies should support the empowerment and economic benefits of migration for



PUNITIVE MEASURES
HAVEN'T REDUCED
MIGRANT FLOWS

women while simultaneously increasing protection. This includes better coordination between countries and across sectors. Remittance channels should also be available that provide safe transfers at low costs.

Safe and productive work

Participants in this study worked mostly in domestic, small business and agricultural environments. While all of these sectors are protected under South African labour laws, protections are not always adhered to, particularly for migrants without employment rights. Exploitation and abuse are rife. Permits and protections that recognise the specific environments in which migrant women work are necessary. They should include education campaigns to inform women of their rights and employers of their responsibilities.

Punitive campaigns should target unscrupulous employers rather than migrant workers. South Africa should reconsider its position on the Migrant Workers Convention, ratify it and work with the International Labour Organization (ILO) and other relevant bodies to promote the rights of and protect vulnerable migrant workers.

'Triple' effect of racism, xenophobia and patriarchy

African migrant women experience triple discrimination. Interestingly, participants reflected more on xenophobia and were less aware of imbedded racism and patriarchy. While their experiences of xenophobia were pronounced and central to their experiences in South Africa, many were accustomed to patriarchy in their home countries.

Very few participants reflected on racism in South Africa. Those that did said that white people treated them better than black people did. They did not recognise the role of institutionalised racism in their lives and livelihoods. For example, rural workers rarely or never met white farm owners but experienced abuse at the hands of (black or coloured) farm managers and co-workers. From their perspective, the managers and workers were responsible for their suffering. They did not recognise that the farm owner orchestrated and benefitted from the entire structure.

By and large, participants' experiences of white people were in 'boss' roles whereas they lived, travelled and operated in communities of black South Africans. A white employer might under-value or exploit them, but these were considered 'lesser' issues than those arising from people calling them names or committing violence against them.

South African policymakers should recognise the damaging effects of xenophobia on all levels of society and follow through on plans to eliminate it. The government should complete and implement the National Action Plan to combat Racism, Racial Discrimination, Xenophobia and Related Intolerance and consider gendered components.

Gender-disaggregated migration data

More gender-disaggregated, policy-relevant migration data is needed to build an evidence base on the numbers, patterns and impacts of women migrants. In particular, data on their access to permits, work and services is necessary to assess their contributions and vulnerabilities. Accurate empirical data will remain unachievable if irregular migrant numbers continue to grow.

In South Africa, gendered data is often not released when available, including asylum seeker numbers. Many Home Affairs releases are gender-neutral. This demonstrates a fundamental lack of gender considerations that must change.

Conclusion

South Africa has been and will remain a key migration hub for mixed migrants from across the continent. Women make up a growing number of migrants and will continue to increase. Women migrants experience severe vulnerabilities across multiple areas of society. These are distinct from those faced by local women or migrant men, meaning the dual effects of being a migrant and a woman result in exacerbated exposure.

Advancing rights-based gender-sensitive migration policies and practices must urgently be prioritised. As it stands, most South African migration policies are gender-neutral or oriented towards male migrants. They do not consider the unique experiences and

vulnerabilities of women, thus exposing them to additional risks instead of protecting them from harm.

South Africa, historically and currently, prioritises restrictive and punitive measures. Combined with a gender-neutral approach, these have negative impacts on women. They do not result in reduced migrant flows; they result in greater use of illegal pathways and greater exposure to danger. In particular, restrictions to the asylum system to reduce pull factors for 'bad' users have devastating impacts on 'good' users, including vulnerable women genuinely seeking protection.

Migration is a highly politicised and sensitive topic. South Africa sees high rates of xenophobia across multiple levels of society. Many South Africans believe immigrants hurt their employment prospects and bring crime into the country. Advancing legal pathways is difficult in this political atmosphere. Politicians must work to change these narratives. They need to show greater understanding of and promote the benefits of migration for all.

Regular legal pathways grounded in gendered approaches that grant employment rights to low-skilled women have the most potential to bring women out of illegal and dangerous circumstances. These will improve prospects for South Africa, source countries and migrants themselves. They will boost tax revenues; regulate the black market; reduce exploitation, corruption and crime; and support national security, all the while protecting migrant women and improving access to services.

Policies and practices must consider the impacts of the potential benefits of migration for South Africa and for source countries, as well as the development thereof. Balancing priorities is challenging, particularly in a region with large economic disparities. South Africa's policies have a significant impact on neighbouring countries. Cooperative responses that address the development prospects of migration are necessary. It is possible to advance responses that prioritise South Africa's interests, maximise economic growth in the country and the region, ensure source countries obtain the development benefits of migration and minimise the negative components of mass migration.

Gender considerations must be applied to policy formulation and implementation. A gendered perspective should be applied to each policy proposal and include an analysis of the potential impacts on and needs of women. International frameworks have made encouraging strides in this respect and are increasingly gender mainstreaming migration-related policies and practices. South Africa should follow suit.

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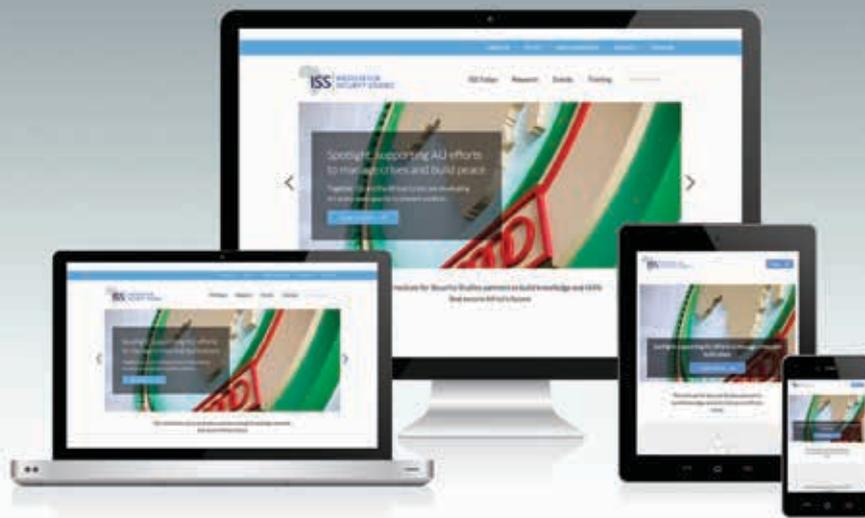
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Acknowledgements



This report is funded by the Hanns Seidel Foundation. The ISS is also grateful for support from the members of the ISS Partnership Forum: the Hanns Seidel Foundation, the European Union and the governments of Australia, Canada, Denmark, Finland, Ireland, the Netherlands, Norway, Sweden and the USA.

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