

Waiting for Years and Feeling Stuck: The Burdens of Navigating the Asylum System in Contemporary South Africa

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Abstract

The meaning of time, timing, and space determines whether an asylum seeker lives or dies, as these factors present threats of persecution in the home country and during flight. In South Africa, asylum seekers' social existence encompassing their joys, fears, hopes, and aspirations hinges on time—when they arrive in the host country, when their documents are processed, when they are interviewed, and when a decision is made. It is also how asylum seekers access and interact at Refugee Reception Centres (RRCs) and the Department of Home Affairs (DHA). In the asylum system, time places asylum seekers in a state of permanent temporariness, in an environment characterized by the sordid experiences of refugees at RRCs and in South Africa. In this article, I analyze interviews with refugees, asylum seekers, interpreters, and Refugee Status Determination Officers (RSDOs) to understand how forms of bureaucratic violence operate through time and space, placing asylum seekers in a state of waithood and stuckness. I argue that immobilizing asylum seekers through bureaucratic violence is a political strategy that aims to frustrate, control, and contain an imagined migration problem, or to render asylum seekers illegal and expose them to arbitrary arrests. However, the forms of bureaucratic violence create opportunities for asylum seekers to exercise their resilience and agency, which are expressed in creative and imaginative ways, to either live illegally or to change their permits and remain in South Africa.

Keywords: Waithood, Stuckness, Asylum seekers, Refugees, South Africa

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BACKGROUND AND CONTEXT

To apply for political asylum in post-apartheid South Africa and to understand how the asylum system works, it is important to frame the entire process around the contention that “the meanings, motivations and representations attached to mobility are shaped by the ways in which it is experienced and embodied through time” (Altin and Uberti, 2022: 440). The concepts of temporality and space are central tropes in the study of forced migration and legal as well as political processes that influence how bona fide asylum seekers are determined. During asylum interviews, asylum seekers’ reconstructions of home, perilous journeys to exile, and experiences in the host country can be understood through the notion of time, space, and timing. These reconstructions are, therefore, memories of their past, narratives of their present, and aspirations for their future, spanning home and host countries (Pineteh, 2015; Pineteh and Mulu, 2016). This article uses time, timing, and space as descriptive elements and as an analytical framework to make sense of asylum seekers’ experiences at home and in South Africa. These concepts are significant, because forced migrants in South Africa experience their survival, vulnerabilities, and precarity by navigating different time periods and geographical spaces (see Bellino, 2018; Hughes, 2022; Gren et al., 2023).

The meaning of time, timing, and space determines whether asylum seekers live or die, as they deal with threats of persecution in the home countries and during flight. In South Africa, their social existence, which encompasses their joys, fears, hopes, and aspirations, hinges on time—when they arrive in the host country, when their documents are processed, when they interviewed, and when a decision is made (Belvedere, 2007; Pineteh and Mulu, 2016; Carciotto, 2020). It is also how asylum seekers access and interact in spaces such as the Refugee Reception Centres (RRCs) and the Department of Home Affairs (DHA). These concepts are interpreted through a set of conflicting idioms, such as certainty and uncertainty, hope and hopelessness, and mobilities and immobilities. In the asylum system, time, in particular, places asylum seekers in a state of permanent temporariness, and it reveals the sordid experiences of asylum seekers at RRCs (Vigneswaran, 2008; Carciotto, 2020). While inefficiencies and maladministration in the South African asylum system can equally lead to the state of waitthood and stuckness, empirical evidence revealed that asylum seekers’ navigation of key time moments and spaces ultimately determines whether they will be granted asylum status or not (Bellino, 2018; Grabska, 2019; Carciotto, 2020).

In this article, I argue that the state of waitthood and stuckness is the consequence of bureaucratic violence in the South African asylum system. This is because the number of asylum seekers has increased exponentially over the last decades, resulting in a slew of populist narratives about the influx of illegal migrants into South Africa. While these different forms of bureaucratic violence seek to immobilize, control, and contain asylum seekers, thus rendering them illegal, they have inadvertently created opportunities for asylum seekers to be creative and imaginative in order to remain in the country.

In the following sections, I unravel this argument to understand how a dysfunctional refugee system, ineffective interpretation services, and the display of bureaucratic violence intersect in an asylum process, leading to the state of waithood and stuckness in the lives of applicants. I frame the article around the following research question: How do bureaucratic practices in the South African asylum system produce experiences of waithood and stuckness?

To answer this question, I analyze empirical evidence gleaned from refugees, asylum seekers, interpreters, and Refugee Status Determination Officers (RSDOs). Furthermore, I review the relevant literature on immigration to SA and access to political asylum. In addition, I describe the data-collection methods. This is followed by a discussion of the process of waithood and stuckness, drawn from the empirical evidence. In conclusion, I draw on Francis Nyamnjoh's concept of *incompleteness and conviviality* to illustrate how dealing with forced migration in South Africa is never a zero-sum game.

FORCED MIGRATION TO SOUTH AFRICA AND ACCESS TO REFUGEE STATUS

The excitement about freedom of mobility envisioned during the era of globalization has gradually dissipated into a kind of dystopia, as forced migrants look for safe havens. This is because, as the world experiences uncharacteristic intensification of transnational migration, "citizenship has become the basis of claims to rights and assertions of privilege" or "a distinctive ecology of belonging" (Meeks, 2007: 149). Here, the rights to belong of vulnerable communities, such as forced migrants, and the associated privileges are constantly challenged by autochthons. We are living in a globalized world that is increasingly appealing to autochthonous belonging to decide who is an insider and who is an outsider (Nyamnjoh, 2006; Belvedere, 2007; Pineteh, 2017). In the context of post-apartheid South Africa, this narrow construction of the concept of belonging implies that "residence in the jurisdictional space of the state does not necessarily come with claims of belonging and with contingent rights of citizenship that legitimize access to the deserved materialities of the nation" (Meeks, 2007: 250). In historicizing forced migration and asylum processes in South Africa, we have to approach these concepts through the prism of displacement, dislocation, uprootedness, and emplacement. Reading asylum interviews and the adjudication of applications through these conceptions should help us to understand the confusions, misconceptions, ambivalences, or political populism that have influenced the integration of asylum seekers in post-apartheid South Africa (see Landau, 2006; Belvedere, 2007; Amit and Kriger, 2014; Pineteh, 2017).

The movement of forced migrants to South Africa began with the collapse of apartheid and the birth of democracy. Since then, the number of African and Asian asylum seekers has increased exponentially (Landau, 2006; Nyamnjoh, 2006; Belvedere, 2007; Amit, 2011; Pineteh and Mulu, 2016). Current studies on forced migration to South Africa show that after the 1994 democratic elections, this erstwhile

apartheid state was perceived to be a “safe haven” for involuntarily displaced persons, with more than one million applications for asylum received, mainly from Africans and Asians (UNHCR, 2016). Most asylum seekers from Africa migrated from Zimbabwe, the Democratic Republic of the Congo (DRC), Somalia, Nigeria, and Ethiopia, while the highest number of Asian applicants were from Pakistan, India, and Bangladesh. In 2015 alone, the DHA received more than 60,000 new applications (Amit, 2012; DHA, 2016). However, this number of applications for asylum does not reflect the number of asylum seekers who have been granted full refugee status. By contrast, the figures exemplify the deplorable process of administering and finalizing asylum applications (Amit and Kriger, 2014; Johnson, 2015).

Despite opening more RRCs, South Africa’s asylum system is still the most inefficient sub-system of the DHA. This system “has consistently failed to carry out its legal mandate and regularly acts outside of the law with dire consequences for those asylum seekers who face a threat to life and liberty if returned to their home country” (Amit, 2012: 7). This can partially be blamed on the fact that before 1990, forced migrants were managed under the Aliens Control Amendment Act; the South African Refugees Act of 1998 was formulated from this Act. Importantly, the Act failed to comply with international laws, categorizing forced migrants as economic migrants. Therefore, the current asylum system and categories of asylum seekers are relatively new to many South Africans (Belvedere, 2007; Polzer, 2007; Klotz, 2012).

For Africans, in particular, seeking asylum in South Africa has always been a deeply traumatic experience because of the unpredictability of the process and the neglect of the rights of asylum seekers. For example, South Africa’s constitution (RSA, 1996) and the Refugees Act (RSA, 1998) speak explicitly about “a person’s right to equality and protection against unfair discrimination” for all those living within its national boundaries (Landau, 2006; Belvedere, 2007: 59; Amit, 2012; Pineteh and Mulu, 2016). But for years, the adjudication of asylum cases has been impeded by prejudices, bureaucratic violence and a lack of well-trained employees as well as technical and logistical challenges at the RRCs (Amit, 2012; Pineteh and Mulu, 2016; Fassin et al., 2017).

This increasing number of forced migrants from African countries can be attributed to political instability, civil wars, ethnic conflicts, religious persecutions and famine. For example, terrorist groups such as Boko Haram in Nigeria, Al-Shabaab in Somalia and decades of civil war in the DRC have transformed parts of states to unlivable spaces for many Africans. Although other countries such as Tanzania, Kenya and Uganda also provide refuge to Africans, South Africa has become the prime destination over the past two decades. Until recently, the country has been a relatively stable constitutional democracy with promises of security, protection and access to economic and social opportunities (Nyamnjoh, 2006; Pineteh, 2017). Interestingly, the South African asylum system allows asylum seekers to integrate into communities, study and work. However, amendments to the Refugees Act have

failed to clarify the processes and procedures or to address irregularities and unlawful practices at RRCs (Klaaren and Ramji, 2001; Belvedere, 2007; Johnson, 2015).

These irregularities expose asylum seekers to police harassment and detention while applicants wait for years for the outcome of their applications (Amit and Kriger, 2014; Pineteh and Mulu, 2016). This contravenes the Refugees Act, which stipulates that an application for asylum should be finalized and the outcome communicated to the applicant within six months from the date of submission (RSA, 1998; Amit and Kriger, 2014; Pineteh and Mulu, 2016). This long waiting period does not necessarily guarantee the success of an application. Very often, applications are rejected on grounds that the claims are unfounded, evasive or fraudulent. These are usually cases from countries without glaring evidence of war. Although applicants can appeal a decision, the outcome of an appeal can take months and even years; and during this period, the applicant is vulnerable to arbitrary arrest and detention (Amit and Kriger, 2014; Pineteh and Mulu, 2016). This unlawful process prevents forced migrants from enjoying the rights and privileges such as access to quality healthcare and employment in the formal economy accorded to them by the South African constitution (RSA, 1996), the Refugees Act (RSA, 1998) and the United Nations High Commissioner for Refugees (UNHCR, 2016). It also seeks to “impoverish refugees and asylum seekers to such an extent that this destitution would induce them to leave South Africa’s shores” (Nyamnjoh, 2006; Kavuro, 2015: 245).

South African refugee laws are supposed to be framed around international laws that outline the protection of the rights of asylum seekers and refugees.² This is because “South Africa has ratified the 1951 Convention and the 1967 Protocol relating to the status of refugees, making them binding in the Republic” (Amit, 2011: 462). The South African Refugees Act of 1998, which is the foundational legal framework for dealing with asylum applications, is based partly on international and regional laws including the 1969 Organisation of African Unity Convention relating to the refugee problems in Africa (Amit and Kriger, 2014; Carciotto, 2020). The conventions emphasize the need for signatories to preserve and protect the rights of refugees, including the protection against the principle and practice of non-refoulement. The application of the Refugees Act should, therefore, be aligned with international and regional laws. However, Roni Amit and like-minded colleagues argue that while international laws are binding in South Africa, signatories often see them as guiding frameworks only and, therefore, host countries are not necessarily bound by the clauses in the conventions. Since the refugee situation varies from country to country, many signatories in the Global North and in South Africa have adapted the terms of the international laws to suit their unique situations. When forced migrants are perceived as a social burden and threats to national security or merely as economic migrants, it is not surprising that narrow forms of belonging continue to influence how asylum applications are processed (Pineteh, 2017; Carciotto, 2020).

² When I use *refugee* and *asylum seeker* together, I refer to someone who has been granted refugee status (refugee) and to someone whose application is still pending or who is yet to apply (asylum seeker). When I use the term *refugee* alone, I refer to the collective term for forced migrants.

Often, the application of “procedural fairness, lawfulness and reasonableness” enshrined in the UNHCR handbook are often ignored during the asylum processes (Amit, 2011: 463). Key studies focus on the fragmented refugee policy frameworks, the violation of the rights, as well as the risks and vulnerabilities of those seeking refuge in South Africa (see Landau, 2006; Nyamnjoh, 2006; Belvedere, 2007; Amit, 2011; Handmaker, 2011; Kavuro, 2015). In fact, some scholars argue that South Africa owes its economic might to cheap migrant labor from the Southern African region during the apartheid era and beyond (Landau, 2006; Vale, 2010; Crush, 2011). Other authors make the political case that African countries provided refuge to South African freedom fighters during apartheid; therefore, post-apartheid South Africa should extend the same hospitality to Africans. However, the restrictive and unfavorable policies indicate that the aforementioned arguments have absolutely no bearing on the asylum processes in contemporary South Africa. Here, asylum seekers are still victims of different forms of discrimination stemming from the perception that South Africa is dealing with an influx of economic migrants masquerading as asylum seekers. In fact, asylum seekers’ experiences are worsened by anti-immigrant narratives from right-wing politicians and the ruling party. To win political votes from impoverished South Africans, they placed the “uncontrollable influx” of African and Asian migrants and asylum seekers at the center of all their problems (Amit, 2011; Kavuro, 2015). It is against this backdrop that I consider the relationship between bureaucratic practices, asylum seekers’ experiences, waitthood and stuckness in the asylum regime in contemporary South Africa.

METHODS OF DATA COLLECTION AND ANALYSIS

To collect empirical data for the article, I interviewed asylum seekers/refugees, interpreters,³ and RSDOs. I concentrated on these three interlocutors because the asylum process in South Africa involves three key role players: the applicant, an interpreter, and an RSDO or Refugee Status Determination Committee (RSDC). These key role players interact at different intervals in the asylum process, providing critical information, which can influence the approval or rejection of an application. To understand the asylum system, processes, procedures, and challenges, it is important to include these role players as participants. Empirical data was collected from four asylum seekers/refugees, four interpreters, and three RSDOs. Since the main purpose of study was to understand how asylum processes and procedures place asylum seekers in a state of waitthood and stuckness, a qualitative methodology was employed, and the main research method was personal interviews. To select the participants, I adopted a purposive sampling and a snowballing approach. In other words, the participants must have applied for asylum or worked as an interpreter at any of the RRCs in Johannesburg or Cape Town or worked as an RSDO at any of these centers. The two main research sites were Johannesburg and Cape Town, because these cities have the largest population of asylum seekers and refugees; therefore,

³ An interpreter was used only when the applicant could not communicate competently in English.

the RRCs in these cities process the largest number of applications. Moreover, it was necessary to glean data from RSDOs, because bureaucratic practices that force asylum seekers into a state of waithood and stuckness start with RSDOs. At the RRCs, asylum seekers interact with RSDOs at different stages of the process. It is only after the RSDOs' decision to reject an application that a claimant can appeal through the appeals committee. RSDOs use different bureaucratic practices (unchecked power and discretionary authority) to delay, temporarily admit, or outrightly reject applications. In fact, the appeals committee is the second level of decision-making, and it simply exacerbates applicants' experiences of stuckness and waithood.

The interviews with asylum seekers and interpreters were conducted in Johannesburg, while those with RSDOs were conducted in Cape Town, because RSDOs at the Johannesburg RRC were not available to participate in the project. The interviews were conducted at places convenient for the interviewees, and each interview lasted between 30 minutes and one hour. The questions focused on personal experiences, processes and procedures, conditions at the RRCs, treatment of applicants, and challenges at the RRCs. To ensure that ethical concerns were addressed, an information sheet that explained the purpose of the project and a consent form were given to all participants before the interviews. Participants signed the consent form to confirm that they agreed to participate in the project willingly and that they granted me permission to audio record all the interviews. In addition, permission was sought from the Cape Town RRCs to interview RSDOs. To protect the personal identities of participants and any information that might reveal the identity of participants, we agreed that the interviews would be conducted anonymously and pseudonyms assigned to excerpts cited in this article. To analyze the data, I used Atlas.ti to sort and code the interviews according to the two main themes: the processes of waithood and stuckness. Furthermore, I interpreted key excerpts from the interviews to excavate multiple meanings and to show how they relate to key studies on the asylum system in South Africa and the concepts of waithood and stuckness.

REFUGEE RECEPTION CENTRES, ASYLUM SYSTEM, AND ASYLUM PRACTICES

The asylum system and state officials' practices at RRCs symbolize South Africa's unhealthy politics of exclusion. When these aspects intersect, they entrench discrimination and social injustices in the asylum processes and procedures (Amit, 2011; Pineteh, 2017; Carciotto, 2020). Discriminatory political language is one of many instruments used by state agents to isolate and mistreat asylum applicants. The use of discriminatory language is sustained by the neglect of RRCs, a dysfunctional asylum system, and a series of inhumane practices. These forms of bureaucratic violence are employed to maintain asylum seekers permanently in the system while they live temporarily in South Africa (Zetter, 1991; Pineteh and Mulu, 2016; Carciotto, 2020). Here, bureaucratic violence refers to "the processes of decision-making, paperwork ... [and] the inaction of state officials" and the power imbalance

between asylum seekers and RSDOs (Arendt, 1976; Gren et al., 2023: 5). Stated differently, bureaucratic violence refers to both physical violence and any nonviolent actions that control, restrict, and impede people's rights and freedoms (Arendt, 1970, 1976; Eldridge, 2018; Butler, 2020; Gren et al., 2023). In the South African asylum system, these forms of bureaucratic violence have worsened over time, and they have placed asylum seekers in waithood and stuckness. RRCs have for many years been spaces designed not to protect the rights of asylum seekers looking for protection but rather as a reminder about the limits of asylum seekers' rights (Landau, 2006; Nyamnjoh, 2006; Amit, 2012). The RRCs, together with a collapsing asylum system and the crude display of power by the RSDOs, instill fear, hopelessness, and despair, as asylum seekers queue during the early hours of the morning, waiting to access refugee services.

In this article, we use the narratives from the key role players to determine the state of human rights abuses at RRCs, the system's inefficiencies, and unethical practices that persist mainly to frustrate asylum seekers and expose them to different vulnerabilities. The narratives exemplify a language of inequality that plays out during the interviews with asylum seekers and shows how it renders the lives of asylum applicants vulnerable and precarious. The vulnerability and precarity are expressed in feelings of waithood and stuckness in a dysfunctional asylum system. Language as an instrument of pain, exclusion, or discrimination is connected to context, socio-cultural elements, and state structures.

The state of waithood and stuckness in the South African asylum system

The concepts of waithood and stuckness have been addressed in several studies on asylum regimes in the Global North. They refer to the experience of "permanent impermanence [and] waiting in an in-between place" and time (Grabska, 2019: 6; Hughes, 2022). They are characterized by perpetual waiting, feelings of stalling, and entanglements of mobility and immobility, especially in an asylum system (Bellino, 2018; Grabska, 2019; Altin and Uberti, 2022: 440; Hughes, 2022). While waithood and stuckness produce feelings of hopelessness and the inability to pursue one's aspirations, they instill a sense of determination, resilience, and agency. Living in a state of waithood and stuckness has become an essential trope in migration and refugee studies (Sutton et al., 2011; Mbatha and Koskimaki, 2021). These tropes help to shape our understanding of not only the paradoxes of seeking asylum but also the modus operandi of the post-apartheid South African asylum system. For asylum seekers, inasmuch as the experience of waithood and stuckness is frustrating and disillusioning, being spatially fixed or stagnant offers opportunities for deep reflection, imagination, and creativity to invent new ways of being and belonging in South Africa. This period enables asylum seekers to devise creative ways of not returning home. In a state of frustration and hopelessness, a renewed sense of agency and resilience emerges in the lives of asylum seekers, while for the South African

government, it is a strategy to illegalize and expose asylum seekers to different vulnerabilities and precarities (Pineteh 2017; Carciotto, 2020).

As asylum seekers reflect on their state of being in South Africa, the language used to capture key moments tends to represent their lives as living in a state of permanent temporariness. This linguistic paradox exposes the multiple temporalities that asylum seekers have to live through during the asylum processes. This interview with an interpreter illustrates the social injustices experienced by the DHA's "administrative procedures, chronic uncertainty and the systematic primacy of waiting" (Griffiths, 2014: 1991):

You might find someone who has been here for 20 years or 15 years, and they only have an extension, what we call Section 22 with their appeal letter. So, every month, they are extending their paper for one month, two months, or three months. Unlike the United Nations, which is conducting four or five interviews at different times, or maybe the same set of interview questions, but they will ask you three to four times in order to verify and make sure. If they get any discrepancy or any difference, they will come back to you and ask you why you said this and why you said that [*sic*] (interpreter).

The interpreter's narration captures the state of temporal uncertainties in the South African asylum process. Here, there is still no permanency in the lives of many applicants, although they have lived in the country for 10 to 15 years. During this period, these applicants go through several policy amendments, forcing them to continue living in a state of instability and precarity with the possibility of repatriation looming (Belvedere, 2007). In this case, time becomes a metaphor, which helps us understand the experiences of asylum seekers as they navigate an asylum system that is highly unstable and unpredictable. This state of instability has rendered asylum seekers powerless in the face of temporal uncertainties and disruptions. Griffiths (2014) describes this state in the lives of displaced persons as the "disjuncture between the temporalities of themselves and those around them, and between their expectations of progress and efficiency, and the machinations of the immigration and judicial system in practice" (1994). The language signifiers in this quotation suggest that asylum seekers in South Africa live in a state of temporal stagnation, deprived of the value of time and at the same time in a state of temporariness, because a negative outcome might lead to "deportation." This interviewee represents waitthood and stuckness "as unremittently bleak—an arid stretch of time, where the clock ticks, but no movement happens" (Kohli and Kaukko, 2018: 489).

In the following quote, the notion that refugee status leads to a state of permanency is questioned by an asylum seeker. Their rendition highlights the machination of the DHA and the state of flux of the refugee identity. In an asylum system that uses time as an instrument of control to manage asylum seekers, a

refugee identity does not restore any form of social justice in the lives of applicants, as described by this participant:

Refugee status is not a guarantee, because in South Africa, the law changes. Officially, refugee status is given for four years. After four years, they started to give people six months, but they write there “Refugee status.” The new Minister of Home Affairs came, and they returned it back to four years; but some people are still getting one year. It is a struggle there; you go every week, and they say that they are looking for your file; so, there is still a problem there [*sic*] (asylum seeker).

This narrative captures asylum seekers’ state of uncertainty, insecurity, and vulnerability, as someone’s refugee status does not offer any opportunity for stability. Here, the experience of stuckness and waitness results in feelings of anxiety emanating from the temporariness of the refugee status itself (Griffiths, 2014; Hughes, 2022). The transition from asylum seeker to refugee often takes many years, during which applicants experience ongoing cruel bureaucratic acts. This reveals the nature of the asylum regime and South Africa’s governance during a period of anti-immigrant populism, as expressed by this participant:

... by that time, I knew a lot of people, and they used to talk about how they need to renew their status after one or two years. People with [asylum seeker] status used to renew every three months. We used to talk in the community about how the ones who are still asylum seekers can be sent back home if their application is rejected; so, that is why I said getting your refugee status was like a party [*sic*] (refugee).

For this participant, there is no distinction between refugees and asylum seekers. One moment you are a refugee for years, and the next moment you are an asylum seeker renewing your permit every six or 12 months. Living in this state denies them the right to work or study, in addition to enduring the unjustifiable delays in issuing a formal identity document to refugees. Yet the long-awaited document is not recognized by most private and public institutions (Belvedere, 2007: 63; Amit, 2012). Asylum seekers who have been granted refugee status suddenly find themselves dealing with the “unknowns of the future,” as the state of “permanency” can become another state of temporariness, taking them right back to where they started. Movement through this period of waiting and stuckness is hardly a linear process; rather, it “creates an empty and fearful listlessness, akin to experiences of grief” encountered during their past (Kohli and Kaukko, 2018: 490).

Time as a political strategy in the asylum process

Since South Africa is a signatory to international conventions and treaties, obligating the country to provide refugee status to bona fide applicants, it is illegal, unethical, and immoral to reject applications without any sound evidence (Belvedere, 2007; Carciotto, 2020). In fact, it goes against the high standards set in the country's constitution, that South Africa belongs to all those who live in it (RSA, 1996).

However, it is becoming a delicate balancing act for the South African government to comply with international refugee conventions and to deal with the pressures from citizens and politicians about regularizing migration. The politics of inclusion, as enshrined in the South African constitution, is constantly being challenged by citizens who are displeased with “the production of new identities, ... [with] the appearance of new subjects on the political” and economic fronts (Meeks, 2007: 250). New identities—such as the refugee identity—are, therefore, barred from laying claim to the materialities of the nation. These forms of exclusion tell us that despite international laws and conventions, “residence in the jurisdictional space of the state does not necessarily come with claims of belonging and with contingent rights of citizenship that legitimize access to the deserved materialities of the nation” (2007: 250).

While new identities do not always guarantee access to resources, many South Africans argue that the system should still prevent asylum seekers from gaining permanence in South Africa because they pose other risks beyond access to resources (Vigneswaran, 2008; Johnson, 2015). Some studies argue that the delays and endless waiting periods in the asylum process are the results of incompetence, inefficiency, and corruption. However, the long waiting period can also be read as a political strategy—using time as a subtle but intentional way to frustrate asylum applicants and force them to voluntarily leave the country to seek political asylum elsewhere.

The following narrative suggests that inefficiency and corruption allow the RRCs and their staff to keep asylum seekers in a state of wretchedness and stuckness, or, what others have termed a state of “permanent temporariness” (Vigneswaran, 2008; Carciotto, 2020):

Home Affairs officials, maybe we can tell about the ... if they can really work. They don't work. You can go there and spend the whole day; then, when it is 15h00 or 16h00, they come to tell you, “Oh, just go and come tomorrow.” When you come tomorrow, they don't help you; they ask you to go and come back next week. Like Monday and Tuesdays are when members of the Congolese community are going there, Wednesday is East Africa, Thursday is West Africa, you know. Then, if you miss this week, it means you have to come next week. And people stay far; they must pay taxi fare to come there; tomorrow they will come again, then next week. They go up and down for one thing that can be done today, but they are not doing anything. They will be

sitting there in the office until 12h00 when they start working; then by 16h00, they tell people to go and come back again [*sic*] (interpreter).

Time immobilizes and entangles asylum seekers while denying them access to opportunities. Furthermore, they are exposed to different forms of abuse, rejection, and violence, including illegal arrests and incarceration at the deportation centers, without recourse to legal representation (Sutton et al., 2011). This often happens when the temporary permits invariably expire because of delays in the processing of renewals or adjudicating applicants for asylum. This is exemplified in the following quote:

People are suffering at Home Affairs, too much. Sometimes people will go there early in the morning; it is raining, people are wet. They expect that if they persevere although wet, they will get their permit. Then, they stay there for the whole day, and nothing happens; then they go back. In Pretoria, the Refugee Reception Centre is only open for one day [per week]. People are traveling from far to come there (asylum seeker).

In this testimony, we see how the notion of time or waithood exposes asylum seekers to different forms of vulnerability. It also shows how, by ignoring the importance of time, state officials violate the judicial and social rights of asylum seekers (Belvedere, 2007; Pineteh and Mulu, 2016; Carciotto, 2020). Using time to dehumanize the asylum process is intended to serve as a deterrent to those still planning to seek asylum in South Africa. As a sub-system of the state, RRCs tend to use waiting as a strategy to inflict pain and suffering on asylum seekers and possibly place them in a state of disillusionment and hopelessness. Here, the notion of time and waiting is used “as a form of control over [asylum seekers] as they are suspended in uncertainty, instability and vulnerability” (Hughes, 2022: 199). As they wait at the RRCs, there is always a feeling of stuckness, as they “are unable to move their life towards their future” (2022: 199). The state of utopia immediately transforms into dystopia, as the waiting period moves from hours to days and even years.

The feeling of waithood and stuckness is worsened by new policy amendments to replace the Refugees Act of 1998. Since the dawn of democracy, the government has continually changed the refugee laws under the pretense of dealing with a mythical refugee problem. While time and changing migration trends often engendered policy reviews and amendments, these processes are supposed to be carried out in consultation with key stakeholders to mitigate infringing the rights of displaced persons. In the case of South Africa, these changes are sometimes enacted arbitrarily, often disregarding public commentaries. Some of these amendments tend to contradict previous laws, because their sole purpose is to unlawfully control, prevent, or contain forced migrants, as expressed by this participant:

They change [the] laws at any time. Like, right now I have my twins there, my boys. When they turned eight years, they told me that I have to open new dockets for them and do a new interview. My twins were born here in South Africa. Why do they have to go through the same process, like asylum seekers from outside? (asylum seeker).

The changes in the asylum laws have worsened rather than improved bureaucratic efficiency or the lives of applicants. Often, these changes merely respond to political pressures leading to elections. The contradictions expose “the disjuncture between goals and assumptions of the legal framework and the reality experienced and desired by refugees” (Polzer, 2007: 22). The perceived illegal migration invasion has become an instrument to mobilize political votes, as different parties scramble for seats at local, provincial, and national government levels. The question of “illegal migration,” relating mainly to asylum seekers awaiting the outcome of their applications or those who have been rendered illegal by a bureaucratized, inefficient system, is constructed as a security threat to justify unlawful changes to the legal framework (Amit, 2012). These laws criminalize perceived illegal migrants and provide a political justification for arrests, detention, and border control. Here, the intention is to reduce new applications and to normalize the abuse of undocumented asylum seekers from within (Amit and Kriger, 2014; Fassin et al., 2017; Pineteh, 2017).

The main current political discourse centers on illegal migration, containment, and securitization of borders and is employed by both the ruling party and many opposition parties yearning for seats in parliament (Khan and Lee, 2018; Carciotto, 2020). However, the concept of “illegal migration” is used deceptively to refer to all African and Asian asylum seekers who are perceived by South Africans as criminals and the reasons for the growing unemployment rate. The political language is framed around dealing with an uncontrollable refugee problem, with the ANC-led government legislating erratic amendments to refugee policies and laws (Johnson, 2015). When these laws are passed, they never signal a triumph for asylum seekers but an extension of their vulnerability. This is because the new laws worsen maladministration, which inadvertently leads to application backlogs and an increased waiting period (Polzer, 2007; Fassin et al., 2017). As the laws and policies change, applicants for asylum find themselves living in limbo, waiting for the next policy amendment. For Fassin et al. (2017), “this limbo epitomizes the profound ambivalence of the South African state, which acknowledges the right to protection but hinders access to it” (163). Endless waiting periods and multiple appeals processes create a semblance of legality, because the temporary permits are extended while the appeals process takes its course. However, in such a highly bureaucratic system, with little or no administrative accountability from state officials, this semblance of legality can change to a state of illegality within minutes, “for the sole reason that [claimants] lack the means to pay a bribe or a fine or to pay transport costs to distant reception centers” (Fassin et al., 2017: 164).

Living permanently in an asylum system has become a way of life for many forced migrants in South Africa. This life is characterized by precarity, vulnerability, anxieties, and the need for resilience—often orchestrated by a refugee framework that promotes persecution and gives RSDOs and other state officials the right to act with impunity, often outside the prescripts of the law. In the following quote, an applicant narrates their experiences:

I was nervous, because I was already tired after going to Home Affairs many times after three months, after one month, after maybe six months. I was praying to God that, “if it is my time now to get my status, please let me get it.” On our asylum papers, they were just writing “Collect decision.” It is the thing that was giving us hope. All our brothers who knew more than us, when you show them your papers, they will say “Ah, you are lucky, you see, you can get your status, just focus.” When they write on your paper “Collect decision,” you still have maybe [an] 80% chance of getting your status. Now, each time I went to Home Affairs to renew my asylum paper, every time that they gave me my paper, I will check that place if they have written it there. I did not know about other things. When they wrote “Collect decision,” I was positive that ... next time I will come back, maybe they are still going to consider us [*sic*] (asylum seeker).

This applicant’s story explains time as a slow-moving machine, while asylum seekers wait for the outcome of their applications. The phraseology of hope and hopelessness are two binaries that capture the applicant’s experiences. The feeling of waiting and feeling stuck pushes asylum seekers “into long-term uncertainty over the future through permanent temporariness, effectively living life on probation” until they receive refugee status (Hughes, 2022: 193). It is a life of worries and anxieties, constantly wondering what the decision would mean for their lives, as they navigate the “experiences of time and life-course transitions” (2022: 193). They live life in different precarious temporal moments, “three months, one month, and six months,” and each of these moments leaves the applicant imagining the next step. However, what is important in this testimony is a clear indication of how “time is also inextricably implicated in the bureaucracy and administration of how the state manages and controls migration by deciding when and which immigration status to give to people” (2022: 194). Interestingly, these intersecting timeframes also instill a sense of hope in the minds of applicants, because they are under the illusion that the longer they wait, the period of waithood and stuckness would eventually lead to permanency in the form of their refugee status.

In the following quote, we see how time is again highlighted as an important aspect in the social existence of asylum seekers. Time shapes the life course of asylum seekers. Here, time allows the applicant to move forward or stand still in a state of limbo while the normal clock continues to tick. The discourse of this narrative

positions asylum applicants in different time frames and creates space for RSDOs to exert their power and control over legitimate applicants:

In the past, they were helping people; now they are not helping. I was going there to renew my status for about two months, and I did not get help to renew my status. They used to give us four years all the time. They reduced [it] and started giving us one year, and we do not know why. The way they treat us this time, is not good at all. They look at your shoes, and they say, “Look at you! You are wearing shoes like this, and you do not have money? You Congolese, you don’t have money.” So, when we arrive there, we have to just keep our mouths shut because we are expecting to be insulted. They must help people, like they were helping in the past. When we arrived there to renew your papers, they do it the same time. They did not have those harsh words like they are talking right now. I do not know what happened. If you have an appointment at Home Affairs, you cannot sleep at night because of stress [*sic*] (asylum seeker).

The nightmares and stress of visiting the RRC are revealed in this testimony and explain how “waiting on a decision can be debilitating and suspends people in a limbo” (Hughes, 2022: 194). This excerpt highlights the complexities of temporalities through intersections of different time frames. Here, time as a symbol of progress is hamstrung by bureaucratic processes, creating a stressful and unpleasant experience for this applicant (Griffiths, 2014; Altin and Uberti, 2022).

Waithood and stuckness as an opportunity for asylum seekers to exercise their agency

Forced migration requires a particular set of skills, creativity, and imagination to embark on perilous journeys into exile. They often do not know what lies ahead and whether they would survive. Therefore, embarking on such journeys requires hope, courage, resilience, and an incredible sense of agency (Pineteh and Mulu, 2016; Schockaert et al., 2020). Forced migrants have to exercise extreme creativity and imagination during flight. When they finally arrive in their host countries, they are completely transformed by such experiences. In the case of South Africa, RRC delays that place asylum seekers in a state of permanent temporariness, provide an opportunity to reflect deeply and to find creative and imaginative ways to continue living in South Africa. One asylum seeker explained:

I could not take this anymore. I had been in this country [for] more than 15 years, and I was still going to Home Affairs to renew my papers. I could not take it anymore, so I decided to find another way to change my permits. So, I got married to a South African, because they were saying if you marry a South African, you get permanent residence [*sic*] (asylum seeker).

Marriage between an immigrant and a South African citizen provides an opportunity to obtain a different permit (spousal permit); after five years, the migrant is eligible to apply for permanent residency. In this excerpt, the participant exercised their agency by opting to marry a South African as a way of progressing from being an asylum seeker to becoming a permanent resident. This option comes with its own challenges. Over the years, the DHA has made it difficult to obtain permanent residency on the basis of marriage, because they claim that these marriages are bogus (Vale, 2010; Pineteh, 2015). However, this participant progressed from being an asylum seeker to obtaining a spousal permit, because they presumed that this change in status would provide more stability and restore hope in their life (Landau, 2006).

The following quotation illustrates the resilience and sense of agency of asylum seekers, highlighting that living in South Africa illegally has become of a way of life for many asylum seekers:

These people [asylum seekers] will do anything to stay in this country, including bribing South African women to get married to them. Some are living in the country illegally, especially those who are not anything formal [qualification or job designation]. They live like that and operate their businesses. They know to avoid the police or us, and sometimes they bribe the police [*sic*] (RSDO).

This RSDO alludes to the creativity and imagination of asylum seekers, as they attempt to live illegally in South Africa. They devise strategies to circumvent arrest, such as bribing DHA officials and police officers, or they simply avoid police hot spots and controls by alerting fellow asylum seekers through social media (Amit and Kriger, 2014; Pineteh and Mulu, 2016).

A participant expressed defiance and determination to make a living in South Africa, highlighting the sense of community in finding ways of surviving:

This people think they can make us leave this country by delaying our papers. They are wasting their time. I am not going anywhere, even if I don't have papers. By the way, I am not working anything that needs papers. I sell [things] on the street, and we street sellers know how to deal with them [*sic*] (asylum seeker).

Illegal migration is a problem in South Africa, but the DHA must take responsibility for the problem, especially when it comes to processing applications for political asylum. The dysfunctionality of RRCs and forms of bureaucratic violence are partly responsible for legal asylum seekers, who had been rendered illegal, because their temporary permits could not be renewed on time (Vigneswaran, 2008; Amit and Kriger, 2014; Pineteh and Mulu, 2016; Carciotto, 2020). As demonstrated by the above participant, they are not afraid of becoming illegal, and they will devise various strategies to remain in South Africa.

CONCLUSION

In theorizing the concept of incompleteness and conviviality in Africa, Francis Nyamnjoh (2024a, 2024b) asserts that human beings are incomplete without each other. For Nyamnjoh, dealing with migration in general and forced migration in particular is never a zero-sum game. While it is important to regularize the entry of forced migrants, it should be done with due respect for the rights of citizens and non-citizens. There are several benefits for refugees and citizens if the asylum regime operates efficiently and forced migrants are regularized. To be complete means that citizens and refugees acknowledge their incompleteness and they strive for collaboration, rather than confrontation. Moreover, conviviality is seeking partnerships that will make us complete. Sadly, the practice of conviviality is absent in conversations about migration and belonging (Nyamnjoh, 2024a, 2024b).

Thinking from Nyamnjoh's concepts of incompleteness, mobility, and conviviality, I argue that economic migrants, refugees, and South Africans need each other in this global space. However, asylum seekers in South Africa currently find themselves in precarious and vulnerable positions because of the asylum system and forms of bureaucratic violence. In this system, applications for refugee status are stuck in the system for years, and RSDOs act with impunity, often violating the human rights of asylum seekers. Yet the government does not hold these officials to account. Instead, it implements policy amendments to restrict asylum seekers from obtaining legal documents or renewing existing ones (Pineteh and Mulu, 2016; Carciotto, 2020).

Many South Africans attribute some of their socio-economic problems to the presence of forced migrants and porous borders, creating an imagined migration crisis that must be contained. Although illegal forced migration is part of the problem, failure to deliver on campaign promises cannot be solely blamed on illegal migrants or the influx of migrants (Nyamnjoh, 2006; Amit and Kriger, 2014; Khan and Lee, 2018). Asylum seekers and refugees are the worst affected, because they find themselves waiting or stuck in a system for years and living in limbo (Klaaren and Ramji, 2001; Johnson, 2015).

In this article, I have argued that waiting for unreasonably long periods and feeling stuck are forms of bureaucratic violence orchestrated by state officials to frustrate, control, and expose asylum seekers to arbitrary arrest and deportation. These forms of bureaucratic violence immobilize and frustrate asylum seekers, which could lead to a state of dystopia or disillusionment. Conversely, they also create opportunities for asylum seekers to exercise their sense of agency by finding creative and imaginative ways to remain in South Africa.

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