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Through the publication of original research, policy discussions and evidence-based research papers, AHMR provides a comprehensive forum devoted exclusively to the analysis of current migration trends, migration patterns and some of the most important migration-related issues.

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Editorial

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We are pleased to present Volume 12 of the African Human Mobility Review (AHMR), released on April 30, 2026. This edition brings together timely, rigorous, and original scholarship on diverse dimensions of human mobility across Africa. It features five research articles alongside a thoughtful book review, each contributing to ongoing debates on migration trends and dynamics. AHMR draws strength from an experienced editorial board, a wide international network of scholars, and a strong interdisciplinary foundation, ensuring that published work advances evidence-based policymaking and informed discourse.

We extend sincere appreciation to all contributors, including authors, reviewers, editorial board members, and the publisher, for their commitment and support. Their collective efforts sustain the journal's quality and growth. As AHMR continues to evolve, we remain dedicated to strengthening its global visibility and academic impact. This issue offers a valuable platform for examining contemporary migration patterns, emerging challenges, and policy-relevant insights shaping human mobility across the African continent.

The first section of this issue features a book review by Zack Ahmed of ***New Directions in South–South Migration (1st ed.).*** The reviewer offers a rigorous academic assessment of the volume, noting that it comprises 28 chapters organized into six thematic sections. The book presents interdisciplinary perspectives on South–South migration across Africa, Asia, and the Middle East. Its central argument goes beyond highlighting the scale of such migration, emphasizing instead its distinct qualitative features and the need for tailored conceptual frameworks, methods, and governance approaches, rather than reliance on traditional North–South models. According to the review, the volume is rich in empirical detail, geographically broad, and methodologically diverse. Its most notable contributions stem from sustained research initiatives, particularly the Migration and Food Security in the Global South (MiFOOD) programme, which provides valuable comparative insights into migrant food insecurity and informal economies.

The first article, authored by *Ernest Angu Pineteh* and titled ***"Waiting for Years and Feeling Stuck: The Burdens of Navigating the Asylum System in Contemporary South Africa,"*** draws on a qualitative research design grounded in in-depth personal interviews. The study examines the experiences of refugees, asylum seekers, interpreters, and Refugee Status Determination Officers (RSDOs) to explore how bureaucratic violence unfolds across time and space. The findings show

how these processes confine asylum seekers to prolonged uncertainty, producing conditions of waithood and stuckness. The author argues that such bureaucratic constraints function as a deliberate political strategy aimed at managing and containing migration, often rendering individuals undocumented and vulnerable to arbitrary arrest. Despite these challenges, the article concludes that asylum seekers demonstrate resilience and agency, adopting creative and adaptive strategies to navigate the system, whether by remaining without legal status or by altering their documentation to continue living in South Africa.

The second article, by *Girma Chuluke, Tesfaye Semela, Tafesse Matewos, Tesfaye Ashine, and Daniel Semela*, is titled ***"Rural-Urban Youth Migration in Rapidly Expanding Urban Centers in Ethiopia: Evidence from Hawassa City."*** It examines the scale and consequences of youth migration, focusing on drivers of movement, migrants' well-being in cities, and their continuing links to rural homes. The study adopts a sequential mixed-methods approach, combining a household survey with in-depth interviews among carefully selected participants. Findings reveal that migration to Hawassa City is shaped by intertwined push and pull factors. Limited employment, land shortages, and poverty push young people from rural areas, while prospects of industrial jobs, education, and modern lifestyles attract them to urban centers. Family-related factors, including illness, death of caregivers, and household breakdown, also contribute. The findings showed that migrants encounter barriers to essential services such as education and health care, alongside heightened vulnerability to emotional, physical, and sexual abuse. The study concludes by proposing practical short- and long-term interventions.

The third article, by *Leah Alexis Ndimurwimo*, titled ***"Redefining Belonging: South Africa's 2024 White Paper Reshapes Asylum Policy,"*** examines how race continues to shape immigration and asylum systems globally. The author argues that the persistence of racial bias, though often obscured, remains central to migration governance. This study highlights the 2025 United States Executive Order granting asylum eligibility to white South Africans as an example of how racialized frameworks endure within international regimes. However, the paper emphasizes that such dynamics are not limited to Western contexts. In South Africa, despite its apartheid history, racial and xenophobic prejudices are still reproduced, sometimes subtly, by Black citizens. This contradiction is especially evident when contrasted with South Africa's global human rights stance, including its role at the International Court of Justice in *South Africa v Israel.* Domestically, recurring xenophobic violence reveals a gap between ideals and practice. Using a doctrinal and Critical Race Theory approach, the study argues that refugee protections are eroding, exposing deep inconsistencies in the country's commitment to human rights.

The fourth article, by *Getye Abneh and Fekadu Adugna*, titled ***"Examining Migrants' Bounded Rationality in the Face of Ethiopia's Legal Responses to Irregular Migration,"*** applies a qualitative framework grounded in the concept of bounded rationality to assess the country's legal strategies. The study uses

qualitative modeling to evaluate how migrants weigh risks and make decisions within constrained circumstances. It specifically examines the effectiveness of Ethiopia's existing legal responses in curbing irregular migration. Findings indicate that current measures, largely centered on criminalization and securitization, are insufficient. They fail to address the deeper structural drivers of irregular migration, including socio-economic hardship and political discontent. For many potential migrants, these underlying pressures outweigh the perceived risks of legal penalties. As a result, restrictive policies have limited deterrent effect. The study concludes that more effective responses require a shift in approach, prioritizing the creation of economic opportunities and the development of accessible, formal migration pathways to influence individual decision-making.

The fifth article by *Christine Hobden*, titled ***"The Democratic Costs of South Africa's Zimbabwean Exemption Permit Process,"*** examines the Zimbabwean Exemption Permit (ZEP) framework beyond conventional migration and justice perspectives. While the permit system is often evaluated in terms of how South Africa treats migrants, refugees, and asylum seekers, this study addresses an important gap by applying democratic citizenship theory. It analyzes the ZEP process through key public sources, including court records from *Helen Suzman Foundation v Minister of Home Affairs and Others (Case 32323/2022),* parliamentary committee minutes documented by the Parliamentary Monitoring Group, and official statements from the Department of Home Affairs. The findings of this study suggest that the substance of South African citizenship — its rights, values, and protections is shaped not only by the treatment of formal citizens but also by how access to citizenship is governed. The study highlights how policies like the ZEP influence principles of political equality and representation for long-term residents living under South African law.

Finally, I invite researchers, academics, and students to engage with the journal by pursuing innovative and impactful areas of study that offer meaningful social and practical contributions across disciplines. Their participation is essential in advancing knowledge and addressing contemporary challenges. I also encourage prospective contributors to submit original, well-developed research that reflects intellectual rigor and relevance. By bringing fresh perspectives and substantive ideas, contributors can help strengthen the journal's scholarly impact and ensure it remains a dynamic platform for critical inquiry and evidence-based discussions.

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Book review

Crush, Jonathan, Chikanda, Abel, and Ramachandran, Sujata (eds.), 2025

New Directions in South–South Migration (1st ed.)

Singapore: Springer, 555 pages
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INTRODUCTION

For much of the past half century, migration scholarship has been shaped by a persistent epistemic asymmetry. It has been structured through a North–South optic that relegates South–South migration to a marginal, often descriptive role rather than a central object of theory. Even as South–South migration flows surpassed South–North movements by the early 2010s, conceptual innovation, comparative frameworks, and governance analysis lagged behind this demographic reality. Migration within the Global South was frequently subsumed under categories such as internal mobility, regional circulation, or irregular movement, with limited engagement with its political economy, governance failures, and implications for urban life, food systems, and social reproduction. As Chikanda, Crush, and Ramachandran note, its significance lies in rendering visible "processes of mobility and immobility that receive scant attention in mainstream, Northern-dominated migration scholarship" (2025: 1). This imbalance reflects not simply undercounting, but the uneven distribution of conceptual attention, methodological investment, and policy imagination.

New Directions in South–South Migration represents an ambitious and long-overdue attempt to correct this imbalance. Spanning 28 chapters across six thematic parts, the volume brings together interdisciplinary analyses of South–South migration across Africa, Asia, and the Middle East. Its central claim is not simply that South–South migration is quantitatively significant, but that it is qualitatively distinct, requiring its own conceptual vocabulary, methodological sensibilities, and governance frameworks rather than reliance on North–South analytical models.

The volume is empirically dense, geographically expansive, and methodologically plural. Its strongest contributions draw on long-running research programs, particularly Migration and Food Security in the Global South (MiFOOD), offering rare comparative insights into migrant food insecurity and informal economies. Conceptual synthesis remains uneven, reflecting a field still consolidating rather than a weakness of the volume. This unevenness underscores

both its ambition and its role as a field-building intervention rather than a fully unified theoretical project.

More than an expansion of empirical scope, the volume signals conceptual shifts still emerging in the literature. Food insecurity is no longer treated as a downstream outcome but as a central analytic lens through which social reproduction and governance failure become visible. Informality is not a transitional condition but a structuring feature of migrant incorporation across urban contexts. Mobility is recast in relational terms, where movement, immobility, and containment coexist within layered governance regimes. In doing so, the volume intervenes in how the field defines its empirical center and conceptual priorities.

ARCHITECTURE OF THE VOLUME: A DELIBERATE THEMATIC PROGRESSION

What is at stake is not simply a shift in empirical focus, but a redefinition of the analytical foundations of migration scholarship. The organization of the volume reflects this ambition. Its six parts follow a deliberate progression from conceptual reframing to empirically grounded analysis and, ultimately, to agenda setting. It begins by establishing the analytical stakes of taking South–South migration as a distinct object of inquiry, then moves through chapters linking mobility to food insecurity, gendered governance, rural–urban transformation, and contested regulatory regimes. The middle sections treat COVID-19 not as an anomalous shock but as a revealing moment that intensified existing vulnerabilities and exposed the selective presence of the state in migrants' lives. Later chapters extend this analysis to digital remitting, trade-based circulation, and emerging forms of East–South globalization, before closing with forward-looking contributions on research infrastructure and theoretical direction.

Read across these sections, migration, food systems, and urban informality emerge as mutually constitutive rather than parallel domains. Food insecurity functions as a central analytic lens through which governance failure and social reproduction become visible, while informality operates as a structuring condition shaping migrant livelihoods, urban economies, and governance arrangements across the Global South. Policy frameworks are consistently shown to be misaligned with these realities, particularly where migration intersects with weak social protection, precarious legal status, and exclusionary citizenship regimes.

RECENTERING FOOD, GENDER, INFORMALITY, AND URBAN SURVIVAL ACROSS MIGRATION SCALES

The early sections establish that South–South migration cannot be partitioned into neat domains, such as international versus internal mobility, economic versus forced migration, or remittances versus work. Across Parts I, II, and III, contributors advance a relational understanding of movement linking labor migration, gendered

recruitment, rural–urban transformation, and household survival to food systems and informal economies.

Food insecurity and international migration

Part I places food insecurity at the center of South–South migration analysis. Dhakal's chapter on labor migration from northern Malawi to South Africa demonstrates that food insecurity is not simply a post-migration hardship, but an upstream driver rooted in rural livelihood erosion and cross-border dependency. This framing is reinforced by Kandjii's analysis of refugee exclusion and food insecurity in South Africa, where the relationship between legal status and hunger is not incidental but structural. Food insecurity emerges as produced through regulatory exclusion and constrained access to work and urban space rather than individual failure. The theme of food security as a governance problem is also developed in Kazembe, Tawodzera, and Nickanor's chapter on urban Namibia, while Thomas-Hope's contribution in Jamaica shows that even where remittances function as lifelines, they are embedded in uneven social development and cannot be read as simple development substitutes.

Gendered migration governance as a structuring force

Part II performs a crucial corrective by showing that gendered vulnerability is not an additional layer placed on otherwise neutral migration systems. It is built into the architecture of migration governance. Hennebry, Hari, and Kimani-Dupuis demonstrate how women are excluded from fair recruitment pathways envisaged by the Global Compact for Migration, particularly in West and Central Africa, exposing the disjuncture between global normative frameworks and the realities of brokerage, informality, and risk externalization. Amirthalingam and colleagues' analysis of bilateral labor agreements in Sri Lanka reveals the limits of state-to-state governance tools when gendered segmentation is reproduced through recruitment and contractual regimes. Hari's chapter on Nepal pushes further by foregrounding how mobility and immobility coexist for women, where the ability to cross borders can coincide with intensified confinement within labor regimes.

Rural–urban links, internal migration, and the food system

Part III shifts the focus to internal migration and rural–urban change without abandoning the volume's central preoccupations with food security and informality. The Nairobi chapter by Onyango, Crush, and Owuor is one of the most methodologically rigorous contributions in the book. Using household dietary diversity scores and food insecurity measures from a city-wide survey, the authors show that migrant households are not uniformly more deprived than non-migrant households. Dietary deprivation is stratified by education, employment, income, and housing, while length of stay and rural–urban links do not significantly predict improved dietary diversity. This is an important corrective to integration narratives

that assume time in the city, or sustained rural connections, necessarily translate into better diets. Zhong, Si, and Yuan's chapter on Nanjing similarly shifts the analytic gaze. Migrants are not merely consumers at risk, but central actors in urban food systems as farmers, wet-market vendors, supermarket workers, and delivery laborers. This chapter is a rare and valuable reminder that food security is as much about provisioning and labor as it is about consumption.

CONTESTATION, CONTROL, AND THE BORDERING OF SOUTH–SOUTH MOBILITY

By this point, two features are clear. First, the empirical depth is unusually strong for an edited collection, with chapters grounded in robust survey data and rich qualitative work that render precarity, food insecurity, and informal livelihoods analytically visible. Second, this depth reveals a productive tension: while informality, precarity, moral economy, and governance recur, they are not always integrated into a single framework. This uneven synthesis clarifies the volume's intellectual posture as a field-building intervention that prioritizes evidentiary breadth and comparative reach over premature theoretical closure.

Part IV brings these tensions into sharp focus by demonstrating that South–South migration is not characterized by unregulated mobility or frictionless circulation within the Global South. Instead, it is structured through contested mobility regimes, regional gatekeeping, and layered forms of bordering that often mirror, and sometimes exceed, the exclusions associated with North-bound migration. The chapters assembled here reveal how mobility within the Global South is governed through selective access, immobilization, and jurisdictional fragmentation, even when migrants never cross into the Global North.

Heller, Rajan, and Walton-Roberts's chapter on international student mobility in medical education provides an instructive entry point into this argument. Focusing on Indian students pursuing medical training in non-Anglophone destinations, including Ukraine and China, the chapter demonstrates how South–South educational migration is shaped by structural scarcity within India's domestic education system and by the uneven geopolitics of crisis. Affordability and institutional access initially enable these mobility pathways, but war, pandemic disruption, and restrictive licensing regimes such as India's Foreign Medical Graduate Examination transform opportunity into precarity. The chapter is valuable not only as a study of student mobility, but as an illustration of how South–South corridors are embedded in state policy, class stratification, and crisis governance rather than operating as alternative or emancipatory routes.

This theme is extended in Percot's ethnographic account of Bangladeshi migration to Indian cities, where mobility is simultaneously normalized through regional proximity and criminalized through informal labor regimes and nationalist bordering practices. India emerges as a space of both familiarity and exclusion, where migrants are drawn by linguistic, cultural, and economic proximity, yet rendered

perpetually provisional through policing, documentation regimes, and urban marginalization. Percot's analysis underscores how South–South migration frequently operates in liminal legal and social spaces that collapse conventional distinctions between voluntary and forced movement.

The governance of immobility is explored with particular clarity in Yeoh, Baey, Platt, and Wee's chapter on Bangladeshi construction workers in Singapore. Here, migration is defined less by movement than by containment. Through employer-controlled dormitories, surveillance regimes, and short-term contracts, mobility is tightly regulated to maximize labor extraction while minimizing social integration. The authors' insistence that migration regimes govern time and space as much as borders offers an important conceptual bridge between mobility studies and analyses of labor discipline, showing how South–South migration can produce enforced stasis within formally sanctioned movement systems.

Mohan's chapter on Venezuelan migration trajectories through Trinidad and Tobago further complicates assumptions about transit and destination. Islands are not passive waypoints but active interruption sites where enforcement practices, detention, and deportation reshape migrant plans and futures. Migration trajectories are not linear but repeatedly re-engineered through encounters with state power, producing uncertainty and prolonged vulnerability. This insight resonates strongly with Wilson-Forsberg and Beggar's life history-based chapter on sub-Saharan Africans stranded in Morocco, which demonstrates how mobility aspirations collapse into prolonged immobility under externalized European border regimes. Here, abandonment, extortion, and violence are not aberrations but integral to how South–South and South–North bordering logics intersect.

Kelly, Marschke, and Vandergeest's chapter on migrant labor in Asian distant-water fisheries broadens this analysis by foregrounding jurisdictional complexity as a mechanism of governance. Through overlapping legal regimes, flags of convenience, and fragmented accountability, responsibility for labor protections is systematically diffused. Migrants are rendered exploitable precisely because they move across spaces where no single authority assumes obligation. This chapter powerfully illustrates how South–South labor migration is often governed through legal ambiguity rather than regulatory absence, producing a form of structural invisibility that erodes rights while sustaining global production systems.

Taken together, Part IV dismantles any assumption that South–South migration offers a less-regulated alternative to North-bound movement. Instead, it reveals a dense landscape of bordering practices, immobilities, and governance failures that structure mobility within the Global South. Mobility does not equate to freedom, and proximity does not guarantee inclusion.

CRISIS AS REVELATION, NOT RUPTURE: COVID-19 AND THE POLITICAL ECONOMY OF SOUTH–SOUTH MIGRATION

The COVID-19 section is among the strongest parts of the volume, because it refuses to treat the pandemic as an aberration. Instead, it is a stress test that exposed long-standing vulnerabilities embedded within South–South migration regimes. Across the COVID-19 chapters, crisis is not episodic but constitutive. Pandemic governance intensified conditions of precarity that were already deeply entrenched in migrants' everyday lives.

Crush and Ramachandran's chapter provides a conceptual anchor through the language of crisis of immobility and pandemic precarity. However, its deeper contribution lies in showing that mobility restrictions did not simply halt movement—they restructured migrant survival systems. Pourmehdi's analysis of emigration aspirations in the Middle East and North Africa (MENA) reinforces the point that pandemic precarity operates through state capacity failures and economic dissatisfaction as much as through infection itself. Tawodzera and Crush's chapter on Zimbabwean migrants in South Africa then grounds these concepts empirically, demonstrating how pandemic precarity must be read through intensified food insecurity, loss of income, exclusion from relief, and constrained translocal support.

This section is particularly strong in challenging the assumption that stay-at-home orders are neutral public health interventions. Such policies presuppose stable housing, formal employment, savings, and welfare inclusion. For many South–South migrants, these assumptions do not hold. Pandemic governance functioned as a filter that protected those within formal citizenship and labor regimes and amplified precarity among those already positioned at the margins.

REMITTANCES, DIGITALIZATION, AND MORAL ECONOMIES OF CARE

One of the volume's most original and conceptually generative contributions lies in its treatment of remittances, particularly its departure from the long-standing privileging of cash transfers in migration-development scholarship. This intervention emerges most clearly in Part V—COVID-19 and Mobility Disruptions—where remitting practices are examined not as neutral financial flows but as socially embedded responses to crisis, precarity, and institutional failure.

Sithole, Tevera, and Dinbabo's chapter on Zimbabwean migrants in Cape Town is exemplary in this regard. Drawing on survey data and in-depth interviews during the first year of the pandemic, the authors document a marked reconfiguration of remittance practices away from courier systems toward digitally mediated food provisioning platforms. This was not driven by technological novelty. It was driven by necessity. Cash remittances lost effectiveness amid hyperinflation, price volatility, and recurrent food shortages in Zimbabwe, while border closures and transport disruptions compromised informal delivery channels. Food remittances increased in

relative importance because they allowed migrants to intervene directly in household consumption, bypassing dysfunctional markets and unstable pricing regimes.

The chapter's conceptual contribution lies in its insistence that remitting food is not surplus-driven or discretionary. It is ethically compelled, embedded in kinship obligations and crisis management, and performed under conditions of systemic constraint. Digital platforms enabled continuity of translocal food flows but introduced new exclusions tied to documentation, banking access, digital literacy, and platform costs. The effect is not a simple story of innovation but a reconfiguration of precarity, where access becomes stratified and uneven. Read alongside Crush and Ramachandran's broader remittance discussion, this chapter strengthens the volume's argument that remittances in South–South worlds must be theorized as material practices of care and social reproduction rather than abstract financial flows.

TRADE, CIRCULATION, AND GENDERED RISK IN SOUTH−SOUTH WORLDS

The volume's engagement with transnational trade adds a necessary dimension to South–South migration studies by refusing to treat migration as only displacement or wage labor. It foregrounds circulation economies and entrepreneurial mobility, while also exposing their fragility.

Tagoe and Quartey's chapter on Ghanaian transnational traders is particularly strong in demonstrating how COVID-19 did not simply interrupt trade but restructured it. Traders shifted toward remote ordering through agents and WhatsApp, reducing travel costs but introducing quality uncertainty, delays, and reduced bargaining power. The chapter's gender analysis is one of its most valuable contributions. It shows how women traders were disproportionately constrained by limited access to credit and reduced capacity to absorb losses. The traders are presented neither as victims nor as heroic entrepreneurs, but as strategic actors navigating constrained institutional environments.

These insights resonate with other chapters that show how mobility can reproduce precarity even when movement is formally sanctioned. Kelly, Marschke, and Vandergeest's chapter on migrant labor in distant-water fisheries is especially instructive here, demonstrating how jurisdictional complexity enables exploitation and diffuses accountability across states, vessels, and regulatory regimes. Mobility is not synonymous with freedom, and transnational labor governance is often designed to externalize risk and erode protections.

INFORMALITY AS STRUCTURE, NOT RESIDUAL: THEORETICAL CLOSURE AND FUTURE RESEARCH DIRECTIONS

Part VI offers the volume's clearest move from empirical documentation to agenda setting. Dinbabo, Belebema, and Quarshie argue that South–South migration in Southern Africa is analytically under-institutionalized despite its centrality to

regional integration. Moreover, they make a persuasive case for a regional research agenda grounded in stronger data infrastructures, multi-stakeholder networks, and policy relevance. Ramachandran and Chikanda then widen the lens to East–South globalization and Africa–India migrations. They show how preferential mobility regimes and trade ties can expand movement without eliminating racialization, legal precarity, or exclusion.

Young's concluding chapter provides the book's most explicit theoretical intervention. It confronts what many earlier chapters imply. South–South migration is structurally entangled with informality and rights deficits. Drawing on comparative indices of democracy, labor rights, and informal employment, the chapter demonstrates that major South–South destinations are frequently characterized by weak political rights, limited labor protections, and extensive informal economies. Migrants face dual exclusion—as non-citizens and as informal workers—with constrained access to political participation, collective bargaining, and social protection. By situating these dynamics within debates on Southern urbanism, the chapter forces a rethinking of foundational assumptions about migration, work, and the city.

CONCLUSION

New Directions in South–South Migration is a field-defining contribution. It recenters South–South migration as the dominant global form, embeds food security and informality at the core of analysis, and shows that crisis is revelatory rather than exceptional. Its empirical depth is remarkable, and its commitment to agenda setting is clear and sustained.

The volume is not without limitations. Theoretical integration remains uneven, gender analysis varies across chapters, and climate-driven mobility, while present, is not consistently integrated into the book's central framework. These limitations reflect the volume's scope rather than shortcomings of execution. What emerges is not a closed framework but an open research agenda for the next generation of migration scholarship.

Ultimately, South–South migration cannot be understood through borrowed theories or Northern analogies. It demands its own concepts, ethics, and political commitments. In doing so, the volume does not merely expand the field; it compels a reconstitution of migration theory from the standpoint of the Global South.

BIOGRAPHICAL NOTE

Zack Ahmed is a Postdoctoral Research Fellow on the Remitting for Resilience (R2) project at the Balsillie School of International Affairs. He holds a PhD in Global Governance, and his research focuses on the intersections of South–South migration, food security, climate resilience, and urban governance, with particular attention to migrant food systems, remittances, and informality in the Global South. His work engages the political economy of migration, translocal livelihoods, and the role of migrants in shaping urban food systems across Africa.
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Waiting for Years and Feeling Stuck: The Burdens of Navigating the Asylum System in Contemporary South Africa

Pineteh E. Angu[1]

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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 waithood 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 waithood 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, waithood 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 waithood 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 discretional 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 waithood 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 waithood 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 unpleased 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 waithood 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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Rural-Urban Youth Migration in Rapidly Expanding Urban Centers in Ethiopia: Evidence from Hawassa City

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Abstract

This study explores the extent and impact of rural-urban migration in Ethiopia, focusing on the factors that drive young people to move to urban centers, their well-being in these urban destinations, and their ties to their rural origins. To gain deeper insights, the study employed a sequential mixed-methods design, combining a household survey of migrant families with qualitative, in-depth interviews conducted with purposively selected participants. The findings showed that the migration of youth and children to Hawassa City is attributed to a range of push and pull factors, whereby limited employment opportunities, land scarcity, and poverty emerged as critical reasons for driving them from their native villages. In contrast, the aspirations to attain industrial jobs, educational opportunities, and the allure of modern lifestyles were identified as strong magnets attracting them to the urban areas. Moreover, young people attributed their migration to prolonged illness or death of biological parents or caregivers, and family breakdown. The findings further showed that once migrants arrived in the cities, they faced multiple challenges in accessing public services and resources, including access to basic education and health care. Furthermore, children's rights to protection from emotional, physical, and sexual abuse were found to be largely unaddressed. Finally, the study proposes alternatives to inform the development of short- and long-term measures to address the challenges.

Keywords: Rural-urban migration, Urbanization, Migrant well-being, Hawassa, Ethiopia

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INTRODUCTION

The movement of people within national borders continues to be the most significant form of human mobility worldwide. Among others, urbanization creates the conditions for internal migration for individuals and families to relocate in search of better opportunities for employment, education, and health care (ICMPD, 2025). Countries in Africa and Asia are experiencing particularly high rates of rural-to-urban migration, with megacities expanding rapidly and facing challenges such as overcrowding, housing shortages, and strained infrastructure. Climate change is also intensifying internal migration: droughts, floods, and other environmental pressures are forcing communities to move to safer regions, especially in South Asia, sub-Saharan Africa, and Latin America (2025). According to the Food and Agriculture Organization (FAO, 2024), over 1.3 billion people living in developing countries have migrated within their own countries. Numbers are rapidly increasing, as the deterioration of rural livelihoods, accelerated by climate change, is leading millions of people to migrate, especially within home countries (2024).

Africa is experiencing rapid urbanization driven by both internal and cross-border migration. The continent's urban population is expanding at an annual rate of 3.3%, and over the next decade, more than 150 million people are expected to relocate to urban areas (McGranahan et al., 2023). The unprecedented growth of Africa's urban population, particularly driven by rural-to-urban migration, is not considered a blessing. Instead, it is often perceived as a challenge, especially in low-income countries, due to the strain it places on scarce resources and limited public infrastructure. The influx of rural populations into urban centers is expected to exacerbate shortages in employment, housing, and other basic public services which, in turn, contribute to overcrowding and heighten exposure to environmental hazards (Mthiyane et al., 2022; Ayuba et al., 2023).

Rural-urban migration is a defining feature of Ethiopia's contemporary urbanization, particularly in rapidly expanding urban centers, such as Hawassa City. Nationally, the urbanization rate remains relatively low (around 21% in 2019), yet the pace of growth is among the fastest in Africa, driven largely by youth migration from rural areas (Mezgebo, 2021). In this regard, Hawassa stands out as one of the cities that better exemplifies the existing dynamics. As one of Ethiopia's fast-growing industrial hubs, with an expanding service sector, tourism, and educational institutions, Hawassa has been a great attraction to young migrants seeking upward mobility. While comprehensive data on the push and pull factors remain limited, a few studies (e.g., Bimerew, 2015) that examined the drivers of rural-urban migration show that economic opportunities and aspirations for an urban lifestyle are the primary determinants of migration to Hawassa. Yet the well-being of migrants in cities is uneven; many experience precarious housing, informal employment, and social exclusion, complicating their integration into city life (Bimerew, 2015).

This article explores the extent to which the conditions have changed after a decade since Bimerew's (2015) report and two decades after the introduction of

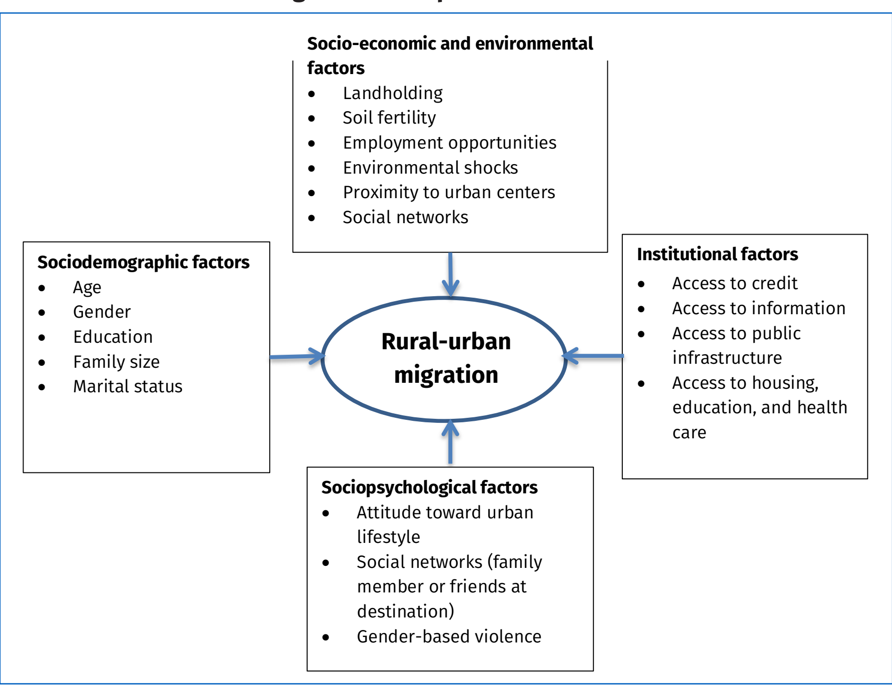
Ethiopia's Urban Development Policy (2005); the latter promised to manage rapid urban growth by improving infrastructure, housing, and governance. Moreover, the article addresses this empirical gap by exploring the drivers of rural-to-urban migration among young people in Ethiopia, while at the same time identifying the challenges that have an impact on their personal, social, and economic well-being at their destinations. It focuses on the city of Hawassa and highlights how the migrants perceived their well-being in the city. Furthermore, it foregrounds the reciprocal interplay between rural-to-urban migration and urbanization in the context of emerging Ethiopian cities. The study also examines how the city administration responds to the growing demand for basic public services and infrastructure owing to the influx of young migrants. Specifically, it answers the following questions: (a) Why do rural children, adolescents, and youth migrate to the city of Hawassa? (b) How has urbanization caused the influx of rural people to Hawassa? (c) Does existing city governance and leadership adequately respond to the influx of migrants from rural areas? (d) What are the perceived consequences of internal migrants from rural villages for the city?

CONCEPTUALIZING MIGRATION

Conceptual framework

Rural-urban youth migration in Ethiopia emerges from the interaction of sociodemographic, socio-economic, environmental, institutional, and sociopsychological factors (see Figure 1). These drivers operate cumulatively within a broader context of rapid population growth, resource scarcity, and uneven rural-urban development, thus intensifying livelihood constraints and shaping mobility patterns (Ezra and Kiros, 2001; Bimerew, 2015; Semela and Cochrane, 2019).

Figure 1: Conceptual framework



Source: Adapted from Tamirat et al. (2024)

Sociodemographic factors highlight migration selectivity, as youth are more mobile due to life-cycle transitions and limited rural opportunities. Gendered dynamics are evident: young men migrate primarily for employment, while young women's decisions are shaped by gender-based violence, poverty, low farm productivity, and drought (Simachew, 2023). Education raises aspirations for non-farm employment, while large family size and marital status increase pressure on household resources, prompting out-migration (Mitiku and Mulatu, 2021).

Socio-economic and environmental drivers constitute the principal structural pressures. Fragmented landholdings, declining soil fertility, and recurrent environmental shocks undermine agricultural viability and food security, generating strong push factors (Tamirat et al., 2024). These are reinforced by perceived urban employment opportunities, proximity to urban centers, and social networks that reduce migration costs and risks (Debie and Ayele, 2023). On the other hand, institutional factors mediate these processes. Limited access to credit, information, and rural infrastructure constrains livelihood diversification, while relatively better access to housing, education, health care, and public services in urban areas strengthens their pull effect despite urban challenges (Tamirat et al., 2024).

Sociopsychological factors further shape migration decisions. Aspirations and perceptions, such as positive attitudes toward urban lifestyles and the presence of migrant networks facilitate mobility, while gender-based violence acts as an additional push factor, particularly for young women (Simachew, 2023).

Overall, rural-urban youth migration reflects both distress-driven and opportunity-seeking responses to structural constraints, with significant implications for household livelihoods, food security, and resilience in places of origin. The framework underscores that migration is not driven by a single determinant but emerges from the convergence of demographic pressure, land scarcity, environmental stress, institutional limitations, and evolving sociocultural aspirations. Crucially, the interplay between push factors (e.g., land scarcity and environmental shocks) and pull factors (e.g., urban employment and services) is mediated by social networks and institutional access, shaping both the scale and pattern of youth migration.

Rural-urban migration in developing countries

Recent studies highlight that although most African cities are small, rapid rural-urban migration continues to drive the emergence of new urban centers (Fadda and Heinrigs, 2025). Research in sub-Saharan Africa often overlooks the benefits of rural-urban migration, as the emphasis has been on the causes (see Berisso and Kebu, 2023; Ogar et al., 2024) and the consequences (see Chisasa and Khumalo, 2023). This trend amplifies its negative impacts (Ayuba et al., 2023) and gives less attention to its positive effects, which include the flow of remittances, knowledge transfer, and skills that migrants bring back to rural areas. In this vein, Gutu (2023) identifies seven key linkages between urbanization and rural development: (i) production and consumption; (ii) employment; (iii) finances; (iv) land markets; (v) information and knowledge; (vi) social interactions; and (vii) environmental externalities. This suggests that these linkages can be positive if effectively integrated into policy. Nonetheless, realizing these benefits requires adequate infrastructure, strong institutions, and political will—challenges that Ethiopia shares with much of the region.

Theoretical perspectives

Various theoretical frameworks have been developed to explain migration, particularly rural-to-urban movement, shaped by distinct disciplinary perspectives (see Mabogunje, 1970). Despite their differences, however, most of the theories still focus on understanding the motivations behind migration decisions (De Haas, 2021). Notable theories include gravity theory of migration (Ravenstein, 1885), push and pull theory (Lee, 1966), neo-classical theory (Harris and Todaro, 1970), new economics of labor migration (Stark and Bloom, 1985), network theory (Taylor et al., 1999), dual labor-market theory (Piore, 1978), and cumulative causation theory (Stark, 1978; Massey, 1990). While some aim for a broad understanding of migration,

others target specific types, such as rural-to-urban migration (Harris and Todaro, 1970) or international migration (De Haas, 2021).

The widely used yet equally criticized perspective is the push-pull theory of migration (De Haas, 2021), which underscores the importance of a range of both uncomfortable and comfortable situations that shape an individual's migration decisions. In particular, the pull-push theory contends that migration from rural to urban areas is based on the premise that all migrations can bring about both positive and negative results. According to Lee's (1966) early work on push-pull factors, migration is driven by the existence of pull forces at the destination and push factors at the origin.

The social network theory subscribes to the functionalist view, which underscores the significance of connections among migrant returnees and non-migrants encouraging rural-urban migration, especially in developing nations (Taylor et al., 1999). Meanwhile, the new economics of labor migration (Stark and Bloom, 1985) view migration as a household strategy aimed at reducing economic risk and maximizing welfare, rather than as an individual decision. This often results in increased household income through remittances. This has been empirically demonstrated in the Ethiopian context, where households invest heavily in sending young household members to South Africa (Semela and Cochrane, 2019).

This study combines multiple theoretical frameworks including the pull-push theory of migration, social network theory, and aspiration-capability theory to determine the reasons for youth migration as well as the causes and consequences of rural-urban migration.

Consequences of rural-urban migration

Rural-urban migration has both positive and negative outcomes. Depending on the level of economic development of countries, rural-urban migration has different consequences (Tacoli et al., 2015). One argument is that the labor lost due to migration may have a negative impact on the welfare of sending households, by lowering human capital and agricultural output in the areas of origin (Kumar and Raj, 2024).

In low-income settings, rapid rural-urban migration often leads to shortages in infrastructure, housing, and services in destination areas, straining local and national governments. It also contributes to overcrowding, congestion in streets, markets, and other public places, creating problems for urban residents (Mthiyane et al., 2022). In South Africa, migration has been linked to overpopulation, rising crime, housing pressure, traffic congestion, and service delivery issues, while also depriving rural areas of skills and innovation (Mthiyane et al., 2022). In Nigeria, Ayuba et al. (2023) found that the inflows worsened conditions for the urban poor by increasing food insecurity and limiting access to safety nets and urban agriculture. Similarly, a review in Ethiopia identified rural-urban migration as a major driver of urban food insecurity (Abebe, 2024).

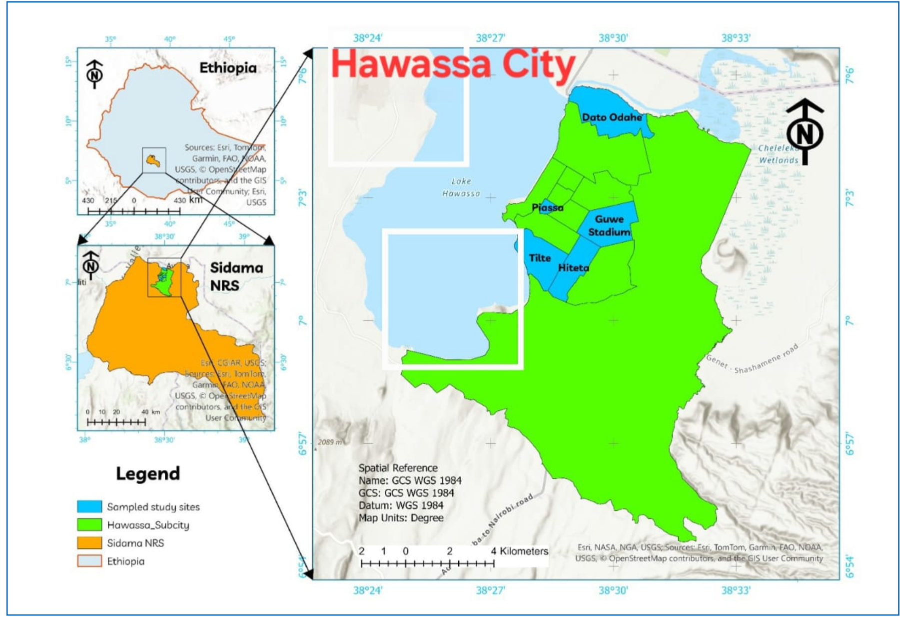
Migration from rural to urban areas affects both destination areas and places of origin with regard to their economic, demographic, and sociocultural identities. For instance, Chaplitskaya et al.'s (2024) study examined the potential drivers of migration between rural and urban areas in Russia from 2011 to 2020. The findings show that socio-economic circumstances, environmental factors, population size, wages, employment opportunities, and housing availability significantly impact migration flows. The authors concluded that rural-to-urban migration is the leading reason behind the increased depopulation of rural areas. On the other hand, a study in Nigeria by Dokubo et al. (2023) found that youth rural-urban migration in Kuje, Nigeria negatively impacted agricultural productivity, income, and household food security in sending areas. A similar study in Hossana, Ethiopia (Mitiku and Mulatu, 2021) identified unemployment, low education, landlessness, and inadequate income as push factors, while pull factors included expected higher income, geographical proximity, better educational opportunities, and the presence of relatives in the destination area.

MATERIALS AND METHODS

The study site

The city of Hawassa is the capital of the Sidama National Regional State, located 275 km south of Addis Ababa, Ethiopia (see Figure 2). It is one of the rapidly growing cities in Ethiopia. It has been the largest tourist destination in the country with considerable cultural, economic, and geographical attractions for local and international tourists. The city is situated on the shore of Lake Hawassa along the Great East African Rift Valley. Geographically, it lies between 6°9'1" to 7°1'0" N latitude and 38°4'1" and 38°5'6" E longitude. With a total area of 249.8 km2, the city is characterized by warm sub-humid midlands climatic conditions (SRBoPD, 2022). Based on the Central Statistical Authority Census Report of 2007, the projected population size of Hawassa was 453,440, of whom 51.46% were males and 48.54% were females (SRBoPD, 2022).

Figure 2: Map of the study area



Source: SRBoPD (2022)

Research methodology

This study employed sequential mixed design, beginning with a quantitative household survey, followed by qualitative in-depth interviews to gather comprehensive data to determine the drivers of rural-urban migration in Sidama. The purpose was also to mutually complement datasets generated based on survey findings and qualitative interviews. This research approach was adopted to obtain valid empirical evidence, while at the same time enabling the researchers to corroborate findings obtained based on the baseline study. The study particularly focused on three sub-cities, comprising six urban *kebeles* (villages) that were purposively selected from the Hawassa city administration. To identify participants for the household survey, a snowball sampling technique was used, focusing specifically on migrant households that had relocated to the city from different districts of Sidama regional state.

Qualitative data was collected through in-depth narrative interviews with 10 migrants (seven males and three females) who arrived between 2017 and 2023, at least two years before the fieldwork (see Table 1). They shared their migration decisions, experiences, and future plans.

Table 1: Participant demographics

No	Pseudonym and gender	Place of origin	Year of arrival	Age when interviewed
1	Elias Cheru (M)	Shebedino	2018	32
2	Munit Mengesha (F)	Hawassa Zuria	2017	22
3	Geleta Tariku (M)	Arbegona	2019	20
4	Aselefech Shberu (F)	Dalle	2022	30
5	Belaynesh Bekele (F)	Arbegona	2019	30
6	Gelo Gebye (M)	Aleta Chucko	2018	26
7	Shimelis Burako (M)	Shebedino	2022	12
8	Milkias Melkam (M)	Shebedino	2022	13
9	Tefera Daniel (M)	Aleta Chucko	2019	17
10	Zekios Samuel (M)	Dalle	2023	12

Source: Field survey (November 2024)

To complement this, interviews were conducted with 10 key informants who assumed major administrative positions in the purposively selected *kebeles* and sub-cities where most migrants live, as well as city-level administration offices. Specifically, the key-informant interview participants included selected *kebele* administrators, sub-city managers, and city administration-level heads of Children, Youth and Women Affairs, and Housing and Construction Bureaus (see Table 2). In addition, longtime residents living in close proximity to places where migrant households were located were also interviewed. Interview data was gathered with the help of extensive field notes, audio recording, and site observation.

Table 2: Key informants from the city administration

No	Pseudonym and gender	Code	Location/Sub-city
1	Solomon (M)	CO-01	Tabor
2	Tolcha (M)	CO-02	Tabor
3	Alemayehu (M)	CO-03	Menaheria
4	Negowo (M)	CO-04	Menaheria
5	Aster (F)	CO-05	City Administration
6	Mulatu (M)	CO-06	City Administration
7	Tefera (M)	CO-07	Piassa
8	Ermias (M)	CO-08	Guwe
9	Wako (M)	CO-09	Tilte
10	Maru (M)	CO-10	Hitata

11	Debebe (M)	OF-01; Longtime resident	Piassa
12	Girma (M)	OF-02; Longtime resident	Guwe

Source: Field survey (November 2024)

Sample size and sampling procedures

To obtain optimal sample size for the household survey, Slovin's (Ryan, 2013) single proportion sample size calculation formula was used at 95% confidence interval (Equation 1).

$$n = \frac{z^2 p(1-p)}{e^2} \quad \ldots.. \quad \text{(Equation\#1)}$$

(Z=1.96), 5% margin of error (e), 50% expected population proportion (p) with anticipated characteristics. The estimated sample size based on the computation was 384. However, to compensate for possible dropouts, we added a 6% (n = 24) attrition rate. Hence, the resulting sample size became 408 households. The distribution of the total sample households was determined based on population proportions of the selected *kebeles* within the three sub-cities.

Data analysis

Quantitative and qualitative analyses were conducted to make sense of the empirical evidence obtained from data collected, using a household survey, qualitative narrative, and key informant interviews. In the case of the household survey, Multiple Logistic Regression was employed to predict migrants' access or non-access to basic services (e.g., housing, transportation, health care). Being the outcome variable, the predictor variables are migrants' background characteristics ($X_1, X_2, \ldots X_k$), including respondents' age, gender, educational status, time of out-migration, presence of a close relative at the destination, land scarcity, native language, and average monthly income. The relationship between the predictor and outcome variables is defined by the *logit* transformation of P:

$$\text{P (Y, X=1) = P(X)} = \frac{e^{(\alpha+\beta 1X1+\beta 2X2+\cdots+\beta X_n)}}{1+e^{(\alpha+\beta 1X1+\beta 2X2+\cdots++\beta X_n)}} \quad \ldots.. \quad \text{(Equation \# 2)}$$

Where: α is the intercept of the model (constant), βi represents regression coefficients while Xi are the corresponding predictor variables representing migrant characteristics.

$$Logit[\text{P(X)}]=\log\left[\frac{P(X)}{1-P(X)}\right] = \alpha+\beta_1 X_1+\beta_2 X_2+\cdots+\beta_n X_n$$

$$Logodds = Ln\ [\text{P (X)}] = \alpha+\beta_1 X_1+\beta_2 X_2+\cdots+\beta_n X_n \quad \ldots.. \quad \text{(Equation \# 3)}$$

On the other hand, the qualitative data obtained from biographical interviews with migrants and key informant interviews with officials was subject to analysis of the biographical history surrounding their migration and experiences in the original

rural areas, as well as what they experienced after their arrival at their destination areas. Data was generated based on responses of key informant interviews who were at *kebele*, sub-city, and city-municipality levels to obtain data on the level of readiness and ability of the respective levels of city administration in terms of ensuring access to basic public services and infrastructure. The coding, patterns, and themes were developed following the steps outlined in Braun and Clarke (2006).

RESULTS AND DISCUSSION

Sociodemographic characteristics of respondents

Distribution of the respondents by sub-city is the largest in Tabor, with about half of the respondents (n = 206, 50.5%), followed by Menaheria (n = 113, 27.7%), and Hawella-Tula (n = 89, 21.8%), in that order (see Table 3).

Table 3: Sociodemographic variables (N = 408)

		N	%
Sub-city	Menaheria	113	27.7
	Tabor	206	50.5
	Hawella-Tulla	89	21.8
Kebele	Guwe	82	20.1
	Piassa	31	7.6
	Hitata	47	11.5
	Tilte	2022	12
	Dato	2022	13
	Chefe	159	17
Age	35	227	55.6
	40-59	15	39.0
	> 60	22	5.4
Gender	Male	197	48.3
	Female	211	51.7
Education	Illiterate	30	7.4
	Read or write	64	15.7
	Primary	38	9.3
	Secondary	89	21.8
	Certificate (TVET)	109	26.7
	University degree	78	19.1

Marital status	Married	323	79.2
	Single	36	8.8
	Widowed	27	6.6
	Divorced	22	5.4
Religion	Protestant	257	63.1
	Ethiopian Orthodox	92	22.6
	Catholic	22	5.4
	Muslim	30	7.4
	Other	6	1.5

Source: Field survey (September 2024)

The profile of respondents with regard to gender shows that 48.3% (n = 197) were males and 51.7% (n = 211) were females. In terms of age, the household heads within the age category of 20–39 years made up of younger migrant households, account for 55.6%, followed by the adult migrants aged 40–59 years, who account for about 39%, and the elders age group older than 60 years, accounting for about 5.4% (Table 3).

The educational status of the migrant households constitutes 7.4% illiterates, 15.7% able to read or write, 9.3% primary school, 21.8% secondary school, 26.7% attained a TVET certificate or diploma, and 19.1% attained a university degree. In terms of marital status, 79.2% were married, 8.8% were single, 6.6% were widowed, and 5.4% were divorced. Regarding religion, 63.1% of migrant households were Protestant, 22.6% were Ethiopian Orthodox, 7.4% were Muslim, 5.4% were Catholic, and 1.5% adhered to other practices.

Push and pull factors influencing migration

Logistic regression results reveal the key factors influencing rural-urban migration (see Table 4).

Table 4: Logistic regression and odds ratios for predictors of migration from rural villages

Independent variables	B	S.E.	Wald	Odds Ratio (OR)= Exp(B)
Age at migration	-.196	.149	1.731	.822
Gender (1= female)	-.185	.300	.378	.831
Education (1= literate)	-.17**	.079	4.65	.844
Relative migrated (1= yes)	2.7***	.929	8.47	14.95
In search of employment (1= yes)	1.56***	.343	20.57	4.76
Poverty (1= yes)	.090	.309	.084	1.09
Land scarcity (1= yes)	1.27***	.430	8.756	3.57
Educational opportunity (1= yes)	.359	.289	1.539	1.43
Start business (1= yes)	-.57	.343	2.778	.565
Conflict (1= yes)	.388	.438	.786	1.48
Natural disaster (1= yes)	-.164	.526	.097	.849
Constant	-1.830	1.256	2.124	.160
Cox and Snell R2	0.133			
Nagelkerke R2	0.215			
% Correct Classification	84%			

p < .10; ** p < .05, *** p < .01

Source: Computed from own survey data (2024/2025)

Households whose relatives had previously migrated were 15 times more likely to move to Hawassa (OR = 14.95; B = 2.7, p < .01) than those without relatives. On the other hand, employment seekers were five times more likely to migrate than non-employment seekers (OR = 4.76; B = 1.56, p < .01), while those facing land scarcity were 3.5 times more likely to migrate (OR = 3.57; B = 1.27, p < .01) (Table 4).

Unlike cross-border migration studies in Ethiopia (Semela and Cochrane, 2019), rural-to-urban migrants were more likely to be illiterate (OR = 0.844, p < .05). This aligns with the findings of Mitiku and Mulatu (2021), showing that migrants are often less educated and landless. While those migrating for better education were 1.4 times more likely to move (OR = 1.43); the result lacked strong statistical significance. Rapid urbanization also serves as a major pull factor for child and youth migration to cities.

According to the social network theory, rural-urban migration can offer economic benefits to migrant-sending households (see Table 5).

Table 5: Migrants' economic conditions and financial support/remittance

Variables		**N**	**%**	**Chi-square (df)**
Age at migration	6-14	214	53.6	178.84*** (df=2)
	15-35	176	44.1	
	36-64	9	2.3	
	Total	**399**	**100**	
Length of stay since arrival at destination (in years)	1-5	167	41.9	16.7*** (df=3)
	6-10	162	40.6	
	11-15	33	9.3	
	>16	37	8.3	
	Total	**399**	**100**	
Do you have a plan to move to another location (town, city, etc.)?	Yes	218	53.6	2.07 (ns)
	No	189	46.4	
	Total	**407**	**100.0**	
Planned 2nd destination	Back to my original place	33	15.2	148.99***(df=2)
	To other city or town	127	58.5	
	Migrate out of the country	57	26.3	
	Total	**218**	**100.0**	
Are you engaged in paid labor/employment?	Yes	329	81.2	158.05*** (df=1)
	No	76	18.8	
	Total	**405**	**100**	
Do you save money?	Yes	196	48.0	
	No	212	52.0	
	Total	408	100.0	
Do you send money back to family/relatives?	Yes	257	67.5	
	No	148	36.5	
	Total	**406**	**100.0**	
Share of income sent back to family/relatives?	½ of total income	14	7.1	1.48
	⅓ of total income	27	13.8	.849
	¼ of total income	87	44.4	.160
	⅛ of total income	68	34.7	
	Total	**196**	**100.0**	

<.05, ** p <.01; *** p < .001, ns = Non-significant

Source: Computed from own survey data (2024/2025)

While 81.2% of respondents (n = 329) were engaged in paid labor, only 48% (n = 196) managed to support their families. Still, 67.5% (n = 257) reported sending remittances, though amounts varied significantly ($\chi^2 = 71.7$, $p < .001$): 7.1% sent half of their savings, 13.8% sent a third, 44.4% sent a quarter, and 34.7% sent one-eighth (see Table 5).

Rural poverty is one of the key factors pushing children and youth to cities. Most of the young people who migrated to Hawassa had parents who were either divorced or separated. Moreover, they had lost their caregivers or could no longer support them owing to prolonged illness or living in extreme poverty. The excerpts below capture the children's narratives.

> My mother and father are separated (divorced). My father married another wife and left us, so we stayed with our mother. Since our mother is weak, it was difficult for her to send us to school … even have difficulties to eat. We came to Hawassa together with my friends. It has been three years since I came here. (Milkias, 13 years old, from Shebedino).

The data further reveals that the reasons for forced migration are multiple. Shimelis, a 12-year-boy told his story as follows:

> I am one of the four children from our village. We came here because we had no job. It's been almost a year since my father passed away and my mother lives in the village and earns a living by farming.

Apart from the death of his father, Shimelis had additional reasons that forced him to decide to leave his village. He indicated that he was not on good terms with his mother. He explained:

> My mother brewed liquor (*kati-kala*) [a local alcoholic drink] and she often got drunk … as a result, we had always argued with each other. This is apart from sharing my father's farmland with another man. Finally, I reached a point where couldn't take it anymore.

According to our respondents, children migrate to the city largely due to death or long illness of one or both of their biological parents. This resulted in lack of adequate support to attend school or engage in some form of paid labor in their original location. Of the 10 migrant youths interviewed, three of them were between 12 and 13 years of age. Below are accounts of more migrant experiences that influenced their decisions to leave their home areas:

> I decided to migrate by myself as 12-year-old boy. In the area where I was born, there are not many options. My older siblings and other children we

> know did not have a job, other than aimlessly wandering around. (Tefera, 17 years old, from Aleta Chucko).

> My uncle, who was living in Hawassa, had encouraged me that I can find a job to support myself. My father was too poor to send all his children to school in our village. There is no work in the countryside, since the agricultural land is limited. So, it's better to come here, especially after finishing school. (Munit, 22 years old, female, from Hawassa Zuria).

> My husband used to be a farmer, and when his parents got sick, we had to sell our farm, as we had no money to pay for their medical expenses. Because of this, we were left with nothing to eat. So, I left my area two years ago with my four children. (Aselefech, 30 years old, single mother, from Dalle).

> My older brother brought me here to live with him so that we can help our parents back in the village. (Zekios, 12 years old).

Many respondents reported that migration decisions were made by family members, who provided them with support. This is in accord with the social network theory of migration, the Harris and Todaro (1970) model, and "hybrid" models (Brueckner et al., 1999; Brueckner and Kim, 2001), which shed light on migrants' efforts to overcome the rural-urban migration disequilibrium.

The findings show that the prospects of employment opportunities in the informal sector in cities trigger the migration of the rural labor force—often large numbers of rural youth—to explore work options in the form of daily labor, or starting small businesses, like vending food, drinks, and snacks to cafés, bars, and the like. These are areas where less-educated, unskilled, or semi-skilled laborers may be able to earn a living. The attraction of urban development, which makes its way closer to local sub-cities and villages, fuels migration aspiration among young people (De Haas, 2021).

Furthermore, the findings show that the knowledge of fellow migrants from their native village served as their source of inspiration, which, in a way, is instrumental in boosting their aspiration to migrate:

> From time to time, we are seeing people, young and adults, getting jobs and [being] transferred to Hawassa. So, we [migrants] thought that it would be possible to build a life in a city.

In contrast to the aspiration–capability framework (De Haas, 2021), which draws on Sen's (1999) capability theory, in which individuals have the natural desire to migrate owing to the aspiration they form, what triggers rural children and youth to leave their native villages, according to this study's findings, seems to provide an empirical basis for what Lee (1966) describes as the uncomfortable situation in their native areas.

Extent of migration and migrants' aspirations

While the study's participants come from various regions outside Sidama, including Amhara, Oromia, Tigray, and Southern and Central Ethiopia, the majority originate from within Sidama, particularly from the districts of Boricha, Dalle, Shebedino, and Gorche (CO-01: Table 2). Many of these migrants, especially children and youth, are involved in begging, with a smaller number engaged in labor activities. In just one sub-city, in 2023, the sub-city's Labor and Social Affairs Office had recorded that, excluding some having some form of accommodation, those living in the sub-city's streets totaled 761 (males = 715, females = 46) (CO-02: Table 2).

In agreement with previous studies (e.g., Mitiku and Mulatu, 2021; Kassay et al., 2023), rural migration to Hawassa from across Sidama has significantly increased. In the studied households, 82.5% of migrants arrived within the past decade, 42% in the last five years, and 40.6% within 6–10 years. Only 17.6% migrated more than a decade ago. This suggests that rural migration to Hawassa has quadrupled over the past ten years (see Table 5).

More than half of the migrants (53.6%, n = 214) arrived in Hawassa as children (ages 6–14), 44.1% as youth (15–35), and 13.8% as adults ($\chi^2 = 178.84$, $p < .001$). Despite settling in the city, 53.6% (n = 218) of respondents expressed a desire to migrate elsewhere, either to another town or abroad, while 46.4% preferred to stay. However, this difference was not statistically significant ($\chi^2 = 2.07$).

Over half of the respondents (53.6%, n = 218) (see Table 5) indicated plans to leave Hawassa, suggesting that it is not their final destination. Further analysis showed that migration intentions were influenced by gender, age, and income. Gender had a significant effect, indicating that women were twice more likely than men to plan further migration ($B = 0.71$, $p < .01$), while age ($B = 0.197$) and income ($B = 0.004$) showed weaker, non-significant associations ($p < .10$) (see Table 6).

Table 6: Migrants' future plans

Migrant characteristics	B	S.E.	Wald	Exp (B)
Age	.197*	0.11	3.171	1.217
Gender	.706***	0.218	10.473	2.026
Education	0.016	0.056	0.08	1.016
Daily expense (income proxy)	.004*	0.003	2.968	1.004
Stay at current destination[b]	0.016	0.115	0.019	1.016
Local language[a]	-0.062	0.212	0.087	0.94
Constant	-1.957	0.691	8.01	0.141
Cox and Snell R2	0.036	.289	1.539	1.43
Nagelkerke R2	0.048	.343	2.778	.565

*p < .10; ** p < .05, *** p < .01

Note: [a] speaks local language (sidama); [b] duration of stay at destination in years

Source: Computed from own survey data (2024/2025)

Regarding migrants' future plans, respondents were not on the same page. Some wanted to stay, while others planned to go to other cities, including destinations outside the country, while a few others wanted to go back to their villages, which accounts for about 15.2% (n = 33). Of the majority (84.8%, n = 184) who wished to continue their migration, about 58.5% (n = 127) said they planned to migrate to other cities locally, while 26.3% (n = 57) indicated that they planned to migrate internationally. One of the few participants who preferred to return home, said the following:

> I would like to stay if we could make a living here, but if life continues like this [challenging], we [he and his family] will return to the countryside. Because when we were in the countryside, we ate whatever was found; and if we were hungry … here, no one would feed us. (Elias, 32 years old, from Shebedino).

Socio-economic impacts of rural-urban migration

Research on rural-urban migration in sub-Saharan Africa often emphasizes its negative impacts, which this study also confirms. Key concerns include socio-economic and security issues. In Hawassa, uncontrolled migration has led to widespread street begging, especially by women and children around traffic lights and tourist areas. According to one participant, a sub-city administrator, this has damaged the city's image, reduced tourism revenue, and made visitors feel uncomfortable.

Depending on their personal life histories, the respondents vary in terms of the kind of lives they were able to build for themselves. Those who had family connections and social networks were able to build their lives quicker. They were also relatively successful in adapting to their new situations, while those who had inadequate knowledge and preparation about urban life and the possible challenges they may encounter in their destination areas faced serious difficulties to survive on day-to-day bases. This is more pronounced among migrant children:

> In the past, we used to earn money by carrying goods or by begging [from] people. But now, there is little work for us to be able to get some money, and people are getting harsher by the day; and there are not many people who give money. … Powerful and older boys sometimes forcefully take our money, and if we say anything, they severely beat us. (Shimelis, 12 years old, from Shebedino).

Older children who have some knowledge of life in the city were those whose origins are from nearby communities in close proximity to Hawassa. For instance, Tefera is one of the successful children who managed to overcome the obstacles. He recounts how he was able to make it:

> So far, so good for me, I think I have succeeded because I am doing well … I am earning sufficient income doing business in the city. In the area where I was born, it is very difficult to find a job. (Tefera, 17 years old, from Aleta Chucko).

Uncontrolled migration into the city also resulted in inconvenience for tourists. Migrants often beg from them and prevent them from moving freely. This contributes to the deterioration of the city's image (CO-01). Another participant added this view:

> … overcrowding major city centers and marketplaces while searching for job[s] or food and drinks free of charge; … street children and other people coming from the outskirts of the city have caused a great increase in begging. (CO-03).

Despite its attraction, urbanization and the urban expansion process may result in disappointment for aspiring youth. This is because there has been insufficient urban development planning, as described by one of the longtime city residents:

> As the urbanization process was not planned to ensure controlled expansion, so is the influx of people from rural villages and nearby *woredas* (districts). The city administration and lower-level administrative structures had to react to the crisis due to the pressure on small public service infrastructure. (OF-01).

Unplanned urban expansion has drawbacks, but it also brings some benefits. In Ethiopia, many cities grow by incorporating nearby rural land, often forcing farming communities to assimilate. However, this expansion can lead to higher incomes, better education, improved infrastructure, urbanization, and a gradual shift from agrarian economies to industrial and service-based systems in low-income countries (De Haas, 2021). This was corroborated by these participants:

> I came here about two years ago in search of work, because I thought I might have the opportunity, since I live in a rural village very close to Hawassa. I see the expanding city, more people, and growing business. (Tefera, 17 years old, from Aleta Chucko).

> When I got married six years ago, my parents could not give me some land, since they had not enough for themselves. Hence, I decided to come to the city in search of opportunities. (Gelo, 26 years old, from Aleta Chucko).

For that matter, the migrants know very little about what awaits them at their destination areas, except the unsubstantiated rumors that Hawassa provides more educational and job opportunities. Our respondents, who were in different positions of decision-making—specifically sub-city administrators and heads of labor and social affairs—reported that of those who migrated to the city, the majority of teenage children ended up in the streets of the city center.

Despite the growth in the number of migrants, there has been limited attention and preparation to address the escalating demand for housing, health care, and other

social services that people need to settle. According to officials of the major sub-cities, the existing public infrastructure is under intense pressure from the growing influx.

Access to education and health care for migrants remains extremely limited, with only occasional support from nongovernmental organizations (NGOs), particularly in education. Efforts to enroll street-dwelling migrant children and youth are often short-lived and inconsistent. In Menaheria and Tabor—Hawassa's most migrant-populated sub-cities—administrators admit to a lack of structured health-care services, as most young migrants lack stable income. Growing concerns focus more on the disturbances these youths cause to tourists and residents than on their welfare.

This study aimed to assess the level of preparedness and current status of the city administration based on in-depth interviews with the selected officials of three sub-city managers, based on the size of total inhabitants as well as the relative concentration of in-migrants. The findings are structured under the following themes: (a) creating job opportunities; (b) accessing basic services, such as housing, educational and health care provision for migrants, including children and youth under 19 years of age; and (c) determining the status of child protection and care. According to one informant:

> Public infrastructure and services could not cope with the overwhelming demand—housing, electricity, water supply—that were even accessible for city residents, leave alone to rural internal migrants that are mostly children, adolescents, young adult men and women who didn't have the necessary educational or vocational preparation for gainful employment in the available job markets. … [As a result,] most rural migrants are involved in the informal sector, including as daily laborers in construction sites, guards, janitors, housemaids, or engaged in small street-side businesses, such as shoe shining, lottery vending. (OF-02).

Despite limited support, small-scale, ad-hoc initiatives at the *kebele* and sub-city levels have been implemented in collaboration with local NGOs. A sub-city head noted efforts to create job opportunities through youth training programs. Similarly, another city official of the target sub-cities said:

> We are organizing women and young men for skills training in areas like woodworking, sewing, and metalwork, some of which have led to meaningful improvements in their lives. (CO-01).

Few rural migrant children and youth in Hawassa have access to education and health care. City officials acknowledge a lack of structured support, especially in education, despite global and national commitments like the United Nations Sustainable Development Goals (SDGs), in particular SDG 4 and the United Nations Convention

on the Rights of the Child (UNCRC) (UNICEF, 1990). Children from poor migrant families and those living on the streets are most affected. However, some, like Tefera, a 17-year-old whose parents fund his college education and housing, face fewer financial challenges. He described his situation as follows:

> I came to Hawassa to get college education. My parents pay for my school and accommodation.

According to these sub-city administration respondents:

> Regarding housing services, if migrants are internally displaced (from their home areas) due to natural or man-made disasters, we do not provide permanent housing or land, apart from providing temporary shelter until they return to where they came from. (CO-03).
>
> Most of the children and youth who migrated from rural areas are engaged in alcohol and substance abuse, and sometimes they are also involved in criminal activities. Visitors who come to the city are occasionally robbed; city residents are also victims. They steal phones, jewelry and money from residents and tourists. (CO-01).

In contrast, however, migrant children living in the streets (Menaheria sub-city) are also victims of street life, despite petty crimes. This sub-city administrator stated:

> Refugees [migrant children], especially those on the streets, are in a crisis and often victims of drug addiction. (CO-02).

City and sub-city officials frequently cited alcohol and drug use among migrant children as a major issue. One *kebele* manager noted:

> Very young children often sniff benzene from plastic bottles, sometimes in groups, leading [to] them sleeping on streets during the day.

When asked why migrant children were engaged in sniffing substances, the respondents frequently mentioned that sniffing benzene suppresses appetite. A teenage respondent confirmed this, stating that hunger was the most difficult challenge for him and his peers, and that sniffing helped them as a coping mechanism against hunger.

Overall, even though the outcomes of the rural-to-urban influx are not always negative, there are consequences, mainly associated with inadequate preparation and limited capacity of the municipality and lower-level urban management bodies.

In effect, the problem that started as small and limited in scope and magnitude degenerated into a compelling social crisis of youth alcohol and drug abuse.

CONCLUSION AND POLICY IMPLICATIONS

Conclusion

Rural-urban migration from the Sidama region to the city of Hawassa has shown a dramatic increase over the past decade, where about 82% of migrant households have been confirmed to settle in the city. This is inconsistent with the prediction made in connection with Africa's rural-urban migration trends vis-à-vis Asia (Tacoli et al., 2015).

The migrant population is diverse, including children, adolescents, youth, and adults. Findings from surveys and interviews reveal that migration to the city is driven by a range of personal, household, and structural factors. Personal drivers include parental separation, illness, death of parents, and poverty. Structurally, there are macro-level policies related to urbanization, which in turn led to rural land expropriation, shrinking agricultural space and employment opportunities for young people, with expanding built-up areas in the suburbs.

Migration drivers vary by age group. Children and adolescents often migrate due to the prolonged illness or death of parents or caregivers. For adolescents and youth, two main factors emerge: first, the illness or death of a parent, leading to abandoned farms and loss of income; second, limited farmland, which makes rural life unsustainable and prompts migration in search of better prospects.

Migrants with family support have integrated into urban life through relatives, while unaccompanied children often face physical and psychological harm, falling victim to street youth involved in crime and drug addiction. Many dropped out of school and still lack access to education and health care, trapping them in poverty. Meanwhile, some who came to Hawassa as teenagers from nearby rural districts have become self-sufficient, have married, and are raising families.

Policy implications

1. Children who migrated to the city as teenagers or younger children and who were living on the streets, reported having experienced severe physical and emotional abuse, which requires urgent attention at the city administration and regional levels.

2. Urban expansion has created job and business opportunities for young people, especially those with close relatives in the city, compared to migrants who came from remote districts of the Sidama region; thus, the opportunities are not evenly distributed across all migrants. This requires the attention of the city government to ensure rational distribution of job opportunities and other valued resources.

3. The city lacks prior planning at all administrative levels, from *kebeles* and sub-cities to the highest city administration, with respect to accommodating rural migrants

and providing access to public services and infrastructure for their integration. This demands short- and long-term planning and preparation of tailored projects by the city administration and *kebeles* to properly address the matter.

4. On top of the impact of urban expansion, which attracted mainly young people looking for employment, land scarcity was found to be the key driver, owing to dwindling land sizes of properties owned by families. At household level, this frustrated any foreseeable chance of participants inheriting land for self-employment in their native rural villages. This requires further and elaborate study to design ways to ascertain how rural youth influx could be kept to a minimum by creating on-farm and off-farm job opportunities.

5. While alcohol or drug abuse could result from a range of factors, young respondents unequivocally stated that sniffing benzene and consuming leftover alcohol were coping strategies to suppress constant hunger. Though further investigation is needed, it is crucial for the city administration to lead efforts alongside public, private, and NGO partners to provide the care and education these young people are entitled to.

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No potential conflict of intersect was reported by the authors.

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The datasets supporting this article are included in the manuscript.

ETHICS STATEMENT

This study was conducted in accordance with the Declaration of Helsinki and was approved by the Humanities and Social Sciences Research Ethics Committee of the University of the Western Cape (Approval number: HS24/2/21). Informed consent was obtained from all participants involved in the study. Participants were informed about the purpose of the research, their right to withdraw at any time, and the measures taken to ensure confidentiality and anonymity. All procedures were performed in compliance with ethical standards.

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Redefining Belonging: South Africa's 2024 White Paper Reshapes Asylum Policy

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Abstract

Immigration and asylum laws worldwide continue to wrestle with the persistent, though often obscured issue of race. The 2025 United States Executive Order extending asylum eligibility to white South Africans exemplifies a racialized asylum framework revealing how race remains central to the architecture of international migration regimes. Yet racism is not confined to Western contexts. In South Africa, Black citizens historically oppressed under apartheid also perpetuate racial and xenophobic prejudices, often in ways that may be subconscious yet nonetheless damaging. The paradox is stark when juxtaposed with South Africa's positioning on the global human rights situation. The country has assumed a prominent role in international justice, notably by initiating proceedings before the International Court of Justice in *South Africa v Israel*. Domestically, however, South Africa's failure to address recurrent xenophobic violence exposes a profound dissonance between rhetoric and reality. Violent episodes in 1998, 2008, 2015, 2017, 2019, 2022, 2023, and 2025 against African migrants reveal enduring fractures that undermine human rights commitments and damage the country's moral standing. This article adopts a thematic doctrinal approach, interpreting human rights instruments, statutory provisions, and leading judicial decisions, triangulated with policy materials and contextual evidence. The central contention is that, despite divergent legal frameworks, states collectively contribute to a systematic erosion of refugee protections. Employing the doctrinal legal analysis methodology informed by Critical Race Theory (CRT), the article argues that South Africa's reconciliation project remains largely superficial: beneath the rhetoric of inclusivity, racialized and xenophobic structures persist, exposing contradictions at the heart of its human rights discourse.

Keywords: Asylum seekers, Refugees, Non-refoulement, Racialized immigration, Xenophobia

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INTRODUCTION

The White Paper on Citizenship, Immigration, and Refugee Protection of 2024 (RSA, 2024) in South Africa, which was revised in 2025 (RSA, 2025) has introduced major restrictions that could severely impact asylum seekers and refugees. Key changes include removing refugee status as a pathway to permanent residency or citizenship, establishing asylum-processing centers at borders, and introducing stricter criteria and biometric tracking systems. These measures reflect a shift from a humanitarian to a security-focused approach, raising concerns about respect for the rights of migrants, such as dignity, access to fair asylum, and the potential risk of refoulement. The proposed withdrawal from the 1951 Refugee Convention Relating to the Status of Refugees (UNHCR, 2024) and its 1967 Protocol further implies a retreat from international refugee obligations and potential violation of constitutional rights, which attract legal battles.

The White Paper, through a Draft Revised White Paper on Citizenship, Immigration and Refugee Protection (RSA, 2025), which was open for public comment until 15 February 2026, aims to transition from a residency-based to a merit-based system like a citizenship and visa points-driven model that prioritizes economic contribution and skilled labor. Likewise, new categories for remote workers and startups, a first safe country principle for refugees, digital transformation of the asylum and appeals processes, among others, are the envisioned features of asylum and immigration laws and policies. This is one of the pivotal and exemplary steps that can lead South Africa into asylum crisis. However, there have been no official publications since the public comments closed in February. Yet it is anticipated that the Revised White Paper (RSA, 2025) could become a Draft Bill of Parliament to be debated and potentially be enacted into law.

This article investigates whether recent asylum policy shifts in South Africa are consistent with human rights obligations and international standards. Drawing on the doctrinal legal analysis methodology informed by the Critical Race Theory (CRT), the article situates South Africa's evolving asylum policy within global patterns of racialized migration governance. After the attainment of constitutional democracy in 1994, South Africa promulgated the Refugees Act of 1998, which incorporated the international and regional obligations under the refugee conventions (Ziegler, 2020). In terms of its scope and content, the Refugees Act provides protection of asylum seekers and refugees. More importantly, the Act has been viewed as one of the progressive and more advanced pieces of legislation in South Africa (2020). The principle of non-refoulement is affirmed under section 2 of the Refugees Act.

Despite this clear legal obligation to respect and protect refugees and asylum seekers' rights and uphold the principle of non-refoulement, it has been proven that compliance with non-refoulement remains elusive, since refoulement can occur in direct and indirect forms. For example, South African courts have frequently addressed the disconnect between the protective intent of the Refugees Act and restrictive executive policies that undermine it (Ziegler, 2020). While the Act promises

fair access to asylum and substantive rights for asylum seekers, the government practices like delays in asylum processing, Refugee Reception Office (RRO) closures, and denial of the right to work or study have limited refugees' rights. Courts have intervened to uphold the constitutional and international obligations, emphasizing procedural fairness and upholding the right to dignity and non-refoulement in asylum-application procedures.

To address the loopholes found in the White Paper (RSA, 2024) and the Revised White Paper (RSA, 2025), as reinforced in the refugee and immigration laws in South Africa, this article situates the contextual background of forced migration and investigates how the laws and policies are implemented. It starts with an outline of the contextual framework of the asylum system in South Africa and the centrality of racism and the legacy of colonialism and apartheid (Williams, 1991; Modiri, 2012). It proceeds with a discussion of the changes that ought to be brought by the White Paper, noting revisions and amendments to the Refugees Act. Furthermore, the article discusses the issue of unaccompanied and separated child refugees and proceeds with an analysis of closed-door policies and presents a conclusion and recommendations.

LEGAL FRAMEWORK OF ASYLUM SYSTEM IN SOUTH AFRICA

South Africa's asylum history is inextricably intertwined with migration and the benefits of migrant labor. During apartheid, migrants from the Southern African region were the main drivers of the country's mining and agricultural economies (Wentzel and Tlabela, 2006). The surge of migrant labor to South Africa continued even after the end of apartheid in 1994. This article examines the potential impacts of South Africa's White Paper (RSA, 2024) on the rights and status of African refugees and asylum seekers. It underscores the need to examine not only the evolving nature of South Africa's asylum and refugee handling institutions, but also how they maintain lawfulness in shaping and implementing migration laws and policies.

Against this backdrop, the article examines the scope of obligations imposed by the refugee conventions and implementational challenges in South Africa in different phases. During the colonial and apartheid regimes in South Africa from 1652 to1994, the country's asylum and immigration laws and policies were explicitly racialized to reinforce the broader discriminatory policy of apartheid (Khan, 2022). The Citizenship Act of 1949 denied Black migrants citizenship, while granting it to whites and their children born in and outside South Africa. This resonates with Modiri's (2012) findings after interrogating the visible and invisible racial components in legal and political discourse. Building on the CRT, which is committed to promoting human rights and social justice, this article uses the White Paper (RSA, 2024), as revised a year later (2025), to demonstrate how race can be engrained in immigration and legal framework designs (Pulitano, 2013). The doctrinal legal analysis methodology informed by the CRT is used to demonstrate how race can be entrenched in asylum laws and policies to reinforce the legacy of colonialism and apartheid.

It must be pointed out that despite the adoption of the 1951 Refugee Convention and the Organisation of African Unity (OAU) Refugee Convention Governing the Specific Aspects of Refugee Problems in Africa (OAU Refugee Convention), the principles of non-refoulement had no practical impact in South Africa. Asylum and refugee status determination remained race-based, because migrants who were perceived as “desirables” (Europeans or Africans of European descent) from Rhodesia (Zimbabwe), South West Africa (Namibia), and Mozambique were granted immediate entry, settlement, and full citizenship (Khan, 2022). However, Black migrants from the same countries were deported and categorized as “undesirables” who were allowed entry as migrant laborers and deported when no longer needed (Crush, 2000).

In 1991, closer to the attainment of constitutional democracy, the apartheid government enacted the Aliens Control Act, which empowered the minister to issue temporary permits to “prohibited persons” (Khan, 2022). In terms of this legislation, the temporary permits were issued to “prohibited persons” or Black migrants and refugees. During this period, South Africa had no formal refugee legal framework and was not a party to many international human rights treaties, including the 1951 UN and 1969 OAU Refugee Conventions. Refugees and asylum seekers would be dealt with under the Aliens Control Act, which regulated the admission, residence, and deportation of “aliens.” The Act faced criticisms for its overt racial bias, as it failed to extend its protection to Black refugees. The non-white refugees who qualitied for international protection were deported as “illegal aliens” without considering the consequences of such deportation in their countries of origin (Johnson, 2015).

In 1993, toward the end of apartheid, the government signed a Memorandum of Understanding (MoU) with the United Nations High Commissioner for Refugees (UNHCR) concerning Mozambican refugees. The MoU’s primary objective was to facilitate repatriation of Black Mozambican refugees, instead of providing them with complete legal status or integration opportunities. This was revealed in the case of *Khosa and Others v Minister of Social Development and Others, Mahlaule and Another v Minister of Social Development* where the Constitutional Court challenged the constitutionality of excluding permanent residents from social welfare services. The applicants, Black Mozambican refugees who were granted permanent residency after 1994, challenged such exclusion because it violated their rights to equality and access to social security. The court viewed such exclusion as unconstitutional.

Despite its limitations, the MoU was hailed as a landmark achievement in regional refugee management, reflecting South Africa’s commitment to humanitarian principles and the UNHCR’s role in post-conflict resettlement. However, this commitment remains questionable to date when examining the adoption of the 2024 White Paper, 2025 Revised White Paper and the 2017 amendments to the Refugees Act of 1998, which all suggest a shift toward a more restrictive and security-driven approach than a human rights approach. The 1951 Refugee Convention under Article 1 defines a refugee as:

> … a person who, owing to a well-founded fear of being persecuted for reasons such as race, is outside the country and is unable, owing to such fear, unwilling to avail himself of the protection of the country of nationality (UNHCR, 2024).

Originally, the 1951 Convention was limited to events that occurred before January 1, 1951, but its 1967 Protocol removed this restriction to include other categories of refugees.

In Africa, Article 2 (3) of the OAU 1969 Refugee Convention broadens the refugee definition by stating that it applies,

> … to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence to seek refuge in another place outside his country of origin (OAU, 1969).

Considering what is stated under both conventions, it appears that the 1951 Convention provides a narrow, individualized definition that focuses on limited grounds, while the 1969 OAU Convention adopts a broader view beyond grounds listed in the 1951 Convention (Ziegler, 2020). The OAU Convention considers a more inclusive approach that recognizes war and generalized violence as legitimate grounds for granting refugee status. The Convention's framework is more adaptable to Africa's mass displacements. It acknowledges displacement caused by armed violence and political instability, allows collective or group refugee status, and addresses the continent's history of conflicts, colonialism, and apartheid as causes of forced migration in Africa. For example, Tanzania granted group asylum to Rwandese who fled to Tanzania during 1959 to 1962 and Burundian refugees who fled to Tanzania in 1972. Later, these refugees were given naturalization—36,000 Rwandese in the 1980s, 160,000 Burundians in 2008, and 1,200 Bantu Somali, while 1,500 were naturalized in 2009. Similarly, South Africa granted special asylum permits to refugees from Zimbabwe in 2014, 2017, and 2021, as well as group special permits to refugees from Angola. The OAU Convention considers historical and political realities and allows countries' flexibility to expand the definition of a refugee.

Contrary to the 1951 Convention, the OAU Convention focuses on individual persecution based on specific grounds without explicitly recognizing war or generalized violence and aggression as a basis for refugee status determination. South Africa ratified the 1951 and 1969 conventions in 1996, which provide for the basis of refugee protection, such as complying with the principle of non-refoulement, as well as the minimum standards for State Parties to adhere to how refugees should be treated (UNHCR, 2024).

The 1951 Refugee Convention provides for State Parties' legal obligations to protect and promote the rights of asylum seekers and refugees (UNHCR, 2024).

Article 33 of the Convention prohibits refoulement—the expulsion, deportation, return, or extradition of refugees or asylum seekers to their countries of origin where their lives could be threatened or put in danger. One of the objectives of the 1951 Refugee Convention is to set a practical framework for treating refugees in a manner akin to that of other foreign nationals in terms of Article 7.

Furthermore, in 1994 South Africa ratified the International Covenant on Civil and Political Rights (ICCPR) of 1966 as well as other important human rights treaties. The ICCPR, for example, provides for fundamental human rights, which include civil and political rights, to be enjoyed by all human beings. The Constitution of the Republic of South Africa (RSA, 1996) under section 39 1(b) empowers courts to consider international law when interpreting human rights provisions. Additionally, courts must favor any reasonable interpretation that complies with international law under section 233 when interpreting legislation. The promulgated refugee laws and regulations govern the admission of individuals seeking asylum in South Africa due to fleeing or attempting to flee persecution in their countries of origin. These laws and regulations guarantee the constitutionally entrenched rights to individuals seeking asylum in South Arica (Kavuro, 2022). South Africa favors the urban refugee policy as opposed to an encampment policy found in other African countries like Tanzania, Namibia, Malawi, Zambia, and Kenya.

GLOBAL ASYLUM GEOPOLITICAL TRENDS

During the apartheid era, South Africa was a refugee-producing country, with an estimated 38,600 refugees in 1984; however, this number reduced dramatically since 27 April 1994. In 2021 there were 4025 refugees from South Africa globally (Statistics South Africa (Stats SA), 2023). However, this number has recently increased following the implementation of the United States (US) Presidential Executive Order of 2025, which granted asylum to approximately 4,500 white South Africans who claimed discrimination and "genocide" (Drenon, 2025; US Government, 2025). The US Executive Order demonstrates a continued pattern of racial bias and exclusionary practices in the asylum processes (Pulitano, 2013), akin to what happened in South Africa under the apartheid regime (Modiri, 2012). This was the case with migration laws and its segregation patterns (Khan, 2022).

It is important to point out that anti-migration sentiments are not unique to South Africa because of global geopolitical underlying forces that support the asylum and immigration shifts (Pulitano, 2013). The global state of individualism and third-country deportations pioneered by conservative politicians such as Donald Trump in the US (Riemer, 2025; Totenberg, 2025), Boris Johnson in the United Kingdom (UK) (B. Johnson, 2022), Marine Le Pen in France (*The Guardian*, 2023), Gayton McKenzie in South Africa (Lekabe, 2024), and others have publicly supported anti-refugee and anti-migration sentiments. This suggests that geopolitical narratives are circumventing the law and favor "third-country deportations" as durable solutions to the forced migration crisis. For example, in April 2022, the UK and Rwanda signed the

MoU between the Government of the UK and Northern Ireland and the Government of the Republic of Rwanda for the Provision of an Asylum Partnership Arrangement (the UK asylum MoU) (Government of the UK, 2023). This partnership allowed the UK to forcibly deport asylum seekers to Rwanda. In return, the UK agreed to provide developmental funding and cover the processing and integration costs for deportees. The MoU was signed in 2022 and would be renewable annually upon its expiry. However, the UK asylum MoU's legality was challenged in the case of R *(on the application of AAA and others) v Secretary of State for the Home Department*. The High Court upheld its legality in December 2022, but the Court of Appeal later ruled that Rwanda could not be deemed a safe third country. In 2024, Prime Minister Keir Starmer formally ended the deportation policy, a decision widely supported by human rights groups (*Al Jazeera*, 2024).

Interestingly, after the failure of the UK asylum MoU, Rwanda and the US have concluded a similar third-country deportation agreement, despite Rwanda still being among the refugee-producing nations (Fleming, 2025). This demonstrates how geopolitical shifts influence asylum seeking around the world. This trend is also outlined in the European Commission's 2025 proposal, which marks a significant shift in the global migration laws and policies. This proposal, which seeks to rationalize the refugee repatriation process by allowing European Union (EU) Member States to deport migrants, not only to their countries of origin but also to third countries (European Commission, 2025). Similar agreements have been concluded between US and Latin American countries to allow Venezuelan migrants to be deported to Mexico as an extension of a US immigration detention facility (*AP News*, 2025). Likewise, asylum seekers from central Asia were flown to Panama and Costa Rica to await the so-called "voluntary" repatriation to their countries of origin. Venezuelans previously held at Guantanamo Bay were left on a Honduran tarmac before being deported to Caracas in Venezuela (*AP News*, 2025).

This article contends that the geopolitical arrangements extend beyond traditional refugee re-admission frameworks, which once facilitated the temporary relocation of individuals to countries unrelated to their migration paths, serving merely as interim holding points pending final repatriation. The emergence of a third-country deportation policy shift represents a troubling evolution in global migration and asylum control (Pulitano, 2013; RSA, 2025). Systemic racism and erratic xenophobic surges in the US, for example, call for efforts to bring racial justice into immigration law (K.R. Johnson, 2022). This is reflected in a strategy driven by deterrence, cruelty, and political convenience influenced by individualism and racist ideologies, as evident in the white South African "refugees" being granted asylum in the US and should be viewed as a matter of serious concern. This places the global refugee protection regime at a critical juncture, which suggests a potential collapse of the international refugee legal framework and has far-reaching implications for national refugee legal frameworks. Anti-Black African immigrant sentiments in

South Africa, for example, have contributed in great measure to fueling xenophobia (Lekabe, 2024; Vaughn, 2025).

CHANGES INTRODUCED BY THE 2024 WHITE PAPER AND AMENDMENTS TO THE 1998 REFUGEES ACT

Despite the South African refugee protection under the 1998 Refugees Act, the 1951 Refugee Convention, the 1969 OAU Refugee Convention, and the South African Constitution, in 2023 the then Minister of Home Affairs, Dr Aaron Motsoaledi, announced reforms in terms of South Africa's citizenship, immigration, and refugee laws (SA News, 2023), specifically the adoption of the White Paper (RSA, 2024). The Minister asserted that the White Paper aims to provide a comprehensive framework for granting residency and citizenship to immigrants, including refugees and asylum seekers but prioritizes the protection of the rights of South African citizens under section 97 (1).The White Paper (RSA, 2024), as revised in 2025, emphasizes that due to the country's existing challenging reality and stresses, South Africa cannot extend citizenship to all migrants who cross its borders in the hope of benefiting from the rights and privileges extended to South African citizens.

During the drafting of the White Paper, a comparison was made with developed countries like the US, Canada, Switzerland, and the UK; yet these countries that have superior resources compared to South Africa have implemented stringent immigration laws to protect the interests and rights of their citizens (SA News, 2023). Dr Motsoaledi noted that South Africa has different categories of legislation that do not complement each other without framework considerations. The minister indicated that the main objective of the 2024 White Paper was for South Africa to withdraw from the 1951 and 1969 Refugee Conventions. Furthermore, the minister alluded to the government's intention to repeal the current Citizenship Act and the Births and Registrations Act and replace them with a single piece of legislation that combines citizenship, immigration, and protection of refugees. The minister claimed that this course of action would eradicate the loopholes found in the legislation and strengthen the government's argument for rejecting asylum seekers' applications if they had traveled to South Africa through other countries (SA News, 2023).

The approach to refugee protection of the current Minister of Home Affairs, Dr Leon Schreiber, is not different from his predecessor. Dr Schreiber has also taken a harder stance on immigration, prioritizing national security and economic stability over protection of asylum seekers and refugees. His stance on immigration and refugee policies reflects the government's broader efforts to tighten border control and manage migration more effectively. The minister's views on withdrawing from non-refoulement imply a shift toward stricter asylum and immigration laws and policies (Simba et al., 2025).

It is evident that the 2024 White Paper has a negative impact on African asylum seekers (Chothia, 2023). The acclaimed positive aspects of the 1998 Refugees Act, Refugees Amendment Act (2017) and Regulations of 2018, which came into

effect on January 1, 2020, have significantly altered South Africa's refugee protection commitment, severely limiting the access to asylum-seeking and thereby depriving asylum seekers of the essential rights they previously had. The automatic right to work and study in terms of section 22 (9) of the Refugees Act of 1998 has been limited, resulting in refugees and asylum seekers being ineligible to work or study. Moreover, certain refugees who had been recognized under the 1951 and 1969 Refugee Conventions have had their status and protection revoked by the 2017 Refugees Amendment Act (RAA).

This article argues that several provisions of the 2017 RAA contradict the constitution and South Africa's international obligations (Ziegler, 2020). There is a noticeable shift in the asylum policies and approaches in South Africa toward restricting refugees at the borders, contrary to what was promised in the 1990s. It is evident from the wording of the 2017 RAA, the Draft Regulations of 2018, and the White Paper (RSA, 2024), as revised, that the Department of Home Affairs (DHA) has resolved to limit the protection of asylum seekers and refugees (Khan and Lee, 2018). For example, South Africa has threatened to withdraw from the 1951 Refugee Convention (UNHCR, 2024), citing concerns over national security, economic strain, and asylum system abuses. The government maintains that many asylum seekers are economic migrants who abuse the asylum system by adding pressure to public services and fueling xenophobic tensions between local communities and foreign nationals.

The White Paper (RSA, 2024) considers citizenship and immigration as being driven by economic, security, and public interests. However, Simba et al. (2025), while referring to "academic xenophobia," expose how policy frameworks have influenced the xenophobic climate, even within South African academic spaces. They contend that xenophobia does not present itself only as public sentiment and street-level vigilantism—like the "Operation Dudula" (meaning to push out) movement— but that xenophobia has been institutionalized, given metrics, and normalized in the shadow of the universities (2025). This suggests that South Africa's reconciliation project remains largely superficial, as the persistence of xenophobia toward Black immigrants undermines the nation's commitment to upholding its constitutional and international obligations, as well as the sentiments of Ubuntu. This resonates with Modiri (2012), who uses the CRT and argues that legal scholars, practitioners, and judges have disregarded how racial identities and orders can be intertwined in social, legal, labor, and political systems.

Based on the current realities, effective implementation of the Refugees Act is failing, due to several factors. These include the DHA's bureaucracy, stringent refugee and immigration laws and policies, as evident in the 2017 RAA and the revised 2025 White Paper. The central tenet of refugee law is the principle of non-refoulement (Johnson, 2015). Article 33 of the 1951 Refugee Convention prohibits the expulsion or return of a refugee to a country where their "life or freedom would be threatened based on grounds like race, religion, nationality, membership of a particular social

group or political opinion." This principle obliges the State Parties to the Refugee Conventions and the international community to protect refugees' fundamental rights and freedoms (Johnson, 2015). However, case law reveals that South Africa has become non-compliant with regard to non-refoulement, as evidenced by cases like *Ruta v Minister of Home Affairs, Abore v Minister of Home Affairs*, and *Scalabrini Centre of Cape Town v Minister of Home Affairs*, just to mention a few.

One of the challenges of refugee law in South Africa is the application of the Refugees Act. Once an asylum visa is granted, asylum seekers must renew it within one month of expiry, contrary to three months under section 22 of the Act. The DHA implements strict detention and deportation processes, where asylum seekers who receive their final rejection, can be detained or deported. Section 22(12) states that where an asylum seeker fails to renew the visa within one month, the application is deemed abandoned by the applicant. They may not re-apply and would automatically be regarded as an "illegal foreigner," according to section 33 (2) the Immigration Act, and then be eligible for deportation. The case of *Scalabrini Centre of Cape Town v Minister of Home Affairs* questioned the constitutionality of sections 22 (12) and (13) of the Refugees Act, because they do not comply with the principle of non-refoulement and are thus inconsistent with international law.

The outcome of the *Scalabrini Centre of Cape Town v Minister of Home Affairs* and the *Ashebo v Minister of Home Affairs* cases are among a long list of judgments against the DHA and the Minister of Home Affairs in challenging the interpretation of the 1998 Refugees Act, the 2017 RAA, and the 2002 Immigration Act. Similarly, in *Abore v Minister of Home Affairs*, the court had to decide, inter alia, whether the new amendments to the Refugees Act were applicable to an illegal foreigner who expresses an interest in applying for asylum in South Africa. This question was answered in 2018 in *Ruta v Minister of Home Affairs*, which set an important precedent for the application of non-refoulement. The Constitutional Court addressed three key legal issues: First, whether an "illegal foreigner" who claims refugee status and intends seeking asylum should be processed under the Refugees Act rather than the Immigration Act. Second, whether a 15-month delay between Mr Ruta's arrival in December 2014 and his arrest in March 2016 disqualified him from applying for asylum. Third, it questioned whether a foreigner who entered and stayed in South Africa illegally could still exercise the right to seek asylum after contravening national laws. The court ruled in Mr Ruta's favor, stating that a delay in an asylum application does not invalidate an applicant's right to asylum seeking. Justice Cameron (Constitutional Court) referred to section 2 of the Refugees Act and affirmed that non-refoulement applies to both de facto and de jure refugees. Mr Ruta's actions were deemed unlawful under section 44 of the Immigration Act, which describes "an illegal foreigner or any individual whose status or citizenship cannot be determined." When a person's legal status or nationality is unclear, such person can be classified as an irregular immigrant or illegal person.

It is important to acknowledge that when an individual enters a country without following the proper legal procedures and later seeks asylum only after being arrested for criminal offenses, as it was in the Ruta case, it may still raise concerns regarding fraud and abuse of the asylum system. Yet the Ruta judgment remains valid, as it considers that refugees are vulnerable persons who flee persecution, their lives are in danger, and they try to find a place of refuge in another country for safety and protection. Therefore, finding a safer place is the priority for refugees, more than formalizing asylum processes, which is an indication that they should not be disqualified as genuine refugees. Kapindu (2020) suggests that the Ruta judgment is correct, because it considers non-derogability of the principle of non-refoulement. The author further elaborates that once a person claims to be an asylum seeker, the receiving state must rigorously investigate the asylum claim before resorting to immigration processes that involve deportation, to comply with the principle of non-refoulement (2020).

The Ruta judgment remains significant, because it summonses other countries globally for their increasingly restrictive advances toward granting asylum to refugees who are in genuine need of protection. The Ruta case reminds African countries, including South Africa, to respond to refugee and asylum-seeker problems cognizant of human rights and humanitarian approaches within the spirit of the OAU Refugee Convention, ensuring that the application of non-refoulement under domestic law is upheld.

This article argues that asylum seekers and refugees in South Africa should be afforded fundamental rights, as prescribed in the major refugee conventions, specifically upholding the principle of non-refoulement and the country's constitution. The White Paper (RSA, 2024), on the other hand, suggests that non-refoulement should be limited, because foreign nationals burden the national fiscal allocations, thus unduly depleting state resources. Immigrants make up approximately 4.2% of the population (Stats SA, 2023). This raises the question of whether legislative reforms that aim to limit the socio-economic rights of immigrants who comprise less than 4.2% of the national population, would solve the national financial burden and socio-economic crisis in South Africa.

UNACCOMPANIED AND SEPARATED CHILD REFUGEES

It is evident that the White Paper (RSA, 2024) poses severe risks to unaccompanied and separated child refugees, specifically the children whose parents are Black asylum seekers and refugees. While aiming to reform the asylum system, the White Paper introduces stricter border controls, detention-like reception centers and limits on individual refugee assessments, which often undermine children's rights and protection. As stated earlier, the apartheid regime denied Black migrants and their children citizenship, while granting it to white immigrants and their children. This observation corroborates the CRT, that while race is an illusional concept, there is a pressing need for a critical analysis about race and its implications for social,

political, and legal designs (Modiri, 2012). The case of *Rafoneke v Minister of Justice and Correctional Services*, for example, questioned the impugned provisions of the Legal Practice Act of 2014 that prevent Black foreign nationals who are deemed neither citizens nor permanent residents from being legal practitioners.

In the asylum-seeking context, the lack of clear procedures for guardianship, family re-unification, and birth registration increases the risk of statelessness and perpetuates the vulnerability of Black child immigrants. Moreover, the White Paper (RSA, 2024), as revised, does not adequately reflect South Africa's obligations under international children's rights legal frameworks in terms of the Convention on the Rights of the Child (CRC) of 1989 and the African Charter on the Rights and Welfare of the Child of 1990. This raises concerns that the best interests of the children may not be prioritized in the White Paper's implementation.

In South Africa, the Children's Act of 2005 mandates special care for all children, including unaccompanied and separated child refugees, regardless of their asylum status. The Department of Social Development can assign social workers to assess and place unaccompanied and separated children in child and youth care centers. Also, the Refugees Act permits asylum procedure adjustments to allow child refugees to lodge claims through their guardians or get assistance from nongovernmental organizations or social workers. However, administrative delays, inconsistent application of asylum procedures, and lack of specialized shelters remain among the challenges that undocumented, unaccompanied, and separated child refugees face. Children with undocumented or separated statuses are frequently excluded from access to social security services, and prolonged lack of documentation may lead to their stateless status, detention, and deportation.

Mahleza and Maake-Malatji (2024) rightly observe that gaps in the South African legal and policy frameworks for birth registration often result in children remaining undocumented, resulting in statelessness and potential deportation. The case of the *Centre for Child Law and Others v Minister of Home Affairs and Others* questioned the detention of unaccompanied foreign children in a deportation facility, which was viewed as unlawful under the Children's Act and the country's constitution. The experiences and treatment of undocumented, unaccompanied, and separated child refugees in South Africa undoubtedly do not conform to sections 39 and 233 of the constitution.

One of the key challenges is the issue of undocumented Black refugee and asylum seeker mothers who reside and give birth in South Africa but are unable to register their children. These limitations have intensified the socio-economic problems that manifest in the lack of access to educational rights, which can easily lead to discrimination and reinforce the lack of access to socio-economic support and rights. It is common practice that children must present identification documents before they can be officially registered at school. In the 2020 case of the *Centre for Child Law v Minister of Basic Education*, the court emphasized that "over a million children have been conditionally admitted to schools, with the risk of exclusion

should they fail to submit the required documentation." The White Paper refers to the *Centre for Child Law v Minister of Basic Education* and states that although this case extended the right to education to undocumented children, yet some countries have limited the right to education or placed conditions on asylum seekers and refugees by entering reservations to the 1951 Refugee Convention and its 1967 Protocol. These reservations often violate migrants' socio-economic rights, which many African countries argue that they cannot be extended to asylum seekers and refugees due to limited resources. South Africa faces similar socio-economic rights constraints and declares that it is unable to extend these rights to child refugees and asylum seekers.

CLOSED-DOOR POLICY IN SOUTH AFRICA

In Africa, there is an interplay of political instability, economic hardship, and porous borders that have influenced the way asylum should be granted (Kaisi et al., 2024). The profound socio-economic and political implications of illegal immigration have forced countries, including South Africa, to adopt stringent refugee and immigration laws and policies. They often raise issues, such as increased pressure on strained public services and security concerns associated with cross-border crimes like human trafficking and arms and illegal drug smuggling. The influx of illegal immigrants often overwhelms border management systems, exposing the gaps in the allocation of resources, operational efficiency, and inter-agency coordination (Kamazima, 2018).

The above challenges underscore the urgent need for robust immigration policies and coordinated efforts to address the multifaceted impacts of illegal immigration, political stability, and economic development. Although there is international cooperation in border management, such as the African Union Border Program, established in 2007, South Africa continues to grapple with the surge of de jure and de facto refugees. Since the attainment of constitutional democracy in 1994, South Africa has hosted and continue to host refugees from Zimbabwe, the Democratic Republic of the Congo (DRC, formerly Zaire), Rwanda, Burundi, Ethiopia, Malawi, Sudan, Cameroon, Eritrea, Pakistan, and others. In the late 1990s and early 2000s, the principle of non-refoulement was respected; however, since the mid-2000s, there has been a paradigm shift to adopt a closed-door policy.

During the 1960s, newly independent states in Southern Africa like Zambia, Malawi, and Tanzania often received waves of refugees from countries that were still engaged in battles against colonialism and apartheid, like South Africa, Namibia, Mozambique, and Angola through their "open-door" policy (Crisp, 2000). In the Great Lakes Region of Africa, many refugees who fled from the political instability in Rwanda and Burundi in the 1960s and 1970s were granted asylum in Tanzania, Uganda, and the DRC. Similarly, asylum was extended to the victims of the political instability in the Horn of Africa. It is this progressive attitude toward the acceptance of refugees that led to Africa's refugee policy being called an "open-door policy," in line with the OAU Convention (Rutinwa, 1999). As stated in Article 2(1) of

the OAU Convention, Member States of the AU are instructed to "use their best endeavors consistent with their respective legislation to receive refugees and to secure the settlement of those refugees who, for well-founded reasons, are unable or unwilling to return to their country of origin or nationality." This provision shows that compliance with the non-refoulement principle had to be demonstrated in a practical rather than a theoretical way.

While the refugee problem has escalated, African countries are becoming less committed to receiving asylum seekers and refugees (Rutinwa, 1999; Kavuro, 2022). Instead of opening their doors to asylum seekers who fear persecution, as it was in the 1960s to the late 1990s, African countries currently prefer refugees to be protected in the "safe zones" in their countries of origin, even if conditions in these countries remain volatile. The DRC, Sudan, Ethiopia, Somalia, Rwanda, Burundi, and Mozambique are examples of this scenario. Many countries regularly reject refugees' entry at the borders or deport them, even if the conditions from which they have fled, persist. Many refugees whose asylum applications succeed, are received in host countries with what Rutinwa (1999) calls "pseudo asylum." As a result, their security, dignity, and socio-economic needs are not guaranteed. Similarly, many countries have become reluctant to encourage and facilitate local integration or to offer refugees resettlement opportunities. Instead, involuntary repatriation is favored at the onset, despite the unchanging conditions in the countries of origin. For example, South Africa, which has been viewed as a progressive country in Africa, adopted the Green Paper on International Migration in 1997, which proposed "rights-regarding, solution-oriented and temporary protection" for refugees.

The Green Paper recommended mandated repatriation once refugees have received protection for five years. One year later, in 2018, the White Paper on Migration from an international refugee law perspective was adopted. The then Deputy Minister for Home Affairs of South Africa, Lindiwe Sisulu stated:

> The social and economic mobility of large numbers of foreign nationals when many citizens remain impoverished, criminal activity on the part of some, and the presence of refugees has resulted in little differentiation between immigrants, economic migrants and refugees. Foreign nationals are perceived as a "problem" that must be "dealt with" (Sisulu, 1998).

From the above, it can be inferred that South Africa, as reflected in the 2017 Green Paper, the 2018 White Paper, and the keynote address by the then deputy minister, tends to adopt short-term solutions to a refugee crisis. This stance has often been used to justify the country's partial or non-compliance with the obligations set out in the Refugee Conventions.

The "closed-door policies" toward refugees have been justified by several factors stated above, such as security and crime concerns linked to some refugees, but also lack of capacity, international and regional burden-sharing, influence of

restrictive Western asylum policies, and xenophobia (direct and indirect or both). Direct xenophobia in South Africa has manifested through a series of violent incidents over the years, highlighting deep-rooted tensions and hatred toward Black foreign nationals (OHCHR, 2022). Additionally, xenophobia in South Africa has perpetuated hostility toward Black migrants through recurring violent attacks from 2008 to 2025 and the rise of organized anti-migrant movements, such as "Operation Dudula" and "March March" (Amusan and Mchunu, 2018; Chiumbu and Moyo, 2018; Uchechukwu et al., 2020; Hlatshwayo, 2023; Chekenya, 2024; HRW, 2024; Esau, 2025; Khumalo, 2025; Sithole, 2025; Madlokovana, 2026).

The abovementioned xenophobic events reflect a pattern of growing hostility, with actions widely condemned and referred to by human rights groups as "organized xenophobia." Also, indirect xenophobia in South Africa manifests through systemic discrimination and social exclusion rather than overt violence. Xenophobia is embedded in institutional practices, policies, and public attitudes that marginalize foreign nationals, particularly African undocumented immigrants.

Foreign nationals, including asylum seekers and refugees often face barriers to access essential services, such as health care and education, with many being denied treatment or school admission due to documentation issues. Bureaucratic inefficiencies at the DHA further complicate access to legal documentation, leading to forced illegality that results in detentions and deportations. In housing, foreign nationals are frequently excluded from public support, subjected to arbitrary evictions, charged exorbitant rentals, and targeted by community-led illegal actions with little legal recourse. Employment opportunities are also limited by discriminatory local hiring practices, while anti-immigrant campaigns like "Operation Dudula" and "March March" put pressure on businesses and employers to dismiss foreign workers. Additionally, migrants often lack protection from the justice system, with police dismissing their complaints and xenophobia-related crimes rarely being prosecuted. These indirect forms of xenophobia, though less visible than physical violence, have a profound and lasting negative impact on the lives of Black migrants in South Africa.

In summary, local communities in refugee-hosting states do not have the same sympathy they had for asylum seekers in the 1960s and 1970s who fled their countries due to struggles against colonialism, racial domination, and apartheid. Coincidentally, the xenophobic sentiments emerged at a time when Africa is democratizing and governments are compelled to consider public opinion in formulating various policies (Masiko-Mpaka, 2023). The result has been the adoption of anti-refugee platforms by some politicians, informing the adoption of anti-refugee policies. Some politicians maintain that embracing the open-door policy was a wrong move (Rwegasira, 1995). Africa remains a fragile continent—economically, socially, and politically. The Great Lakes Region and the Horn of Africa are traditionally known as main refugee-generating parts of the continent and remain politically volatile to date. Likewise, the central, western, and southern sub-regions are not exonerated—the

political instability in the Central African Republic, Mali, Burkina Fasso, Niger, and Mozambique serves to illustrate this unfortunate reality.

CONCLUSION

South Africa's commitment to asylum provision has undergone an overwhelming reform. While the demand for asylum protection continues to rise amid global political instability, the country's willingness to host refugees has declined sharply. This regression contrasts starkly with the "open-door policy" that characterized the 1960s to the 1990s, notably, the post-1994 democratic era. Following the end of apartheid, South Africa embraced asylum as a constitutional and international humanitarian obligation aligned with the 1951 and 1969 Refugee Conventions and the laudable spirit of Ubuntu. The principle of non-refoulement was respected and granting asylum was viewed not merely as an act of charity but as a moral and legal duty. The 1994 democratic government sought to emulate other African states by developing a comprehensive refugee protection framework that recognized Black refugees, an approach radically opposed the apartheid's exclusionary practices. The White Paper (RSA, 2024), however, signals a decisive departure from post-1994 democratic-era commitments.

This article argues that the 2024 White Paper as revised represents a regressive shift, reframing refugee protection through the lens of securitization and exclusion. The 2024 White Paper undermines core principles of human dignity, equality, and non-refoulement, effectively transforming asylum from a rights-based to a security-driven and merit-based regime. Judicial decisions such as the Ruta, Abore, Ashebo, and Scalabrini Centre of Cape Town cases illustrate the courts' crucial, yet strained role in countering executive overreach and defending constitutional safeguards. Viewed through a CRT lens and doctrinal legal analysis, both White Papers (RSA, 2024, 2025) perpetuate racialized and postcolonial hierarchies reminiscent of apartheid-era exclusionary practices (Modiri, 2012). The failure to protect vulnerable groups, such as Black unaccompanied and separated child refugees, constitutes a violation of the constitution, the Children's Act, and the CRC. The institutional shortcomings reflect deeper socio-political factors of economic insecurity, populist rhetoric, and xenophobic media narratives that entrench exclusionary attitudes, specifically against Black African immigrants.

Enforcing refugee law in South Africa faces systemic internal weaknesses and external pressures. Administrative inefficiency, inadequate training, corruption, and the absence of political will often hinder meaningful asylum reforms (Amit, 2015). The high unemployment rate has strained public resources, and poverty exacerbates tensions between refugees and host communities, fueling xenophobic violence (Vaughn, 2025). The government's response of tightening migration controls and framing asylum seekers as security threats undermines constitutional commitments and further erodes public trust.

The article notes that security concerns complicate migration management. Porous borders, weak enforcement mechanisms, and corruption facilitate illegal migration, human trafficking, and transnational crimes. Yet these challenges are worsened by poor regional and international cooperation, resulting in fragmented and inconsistent asylum responses. Instead of fostering solidarity and burden-sharing, many African states resort to regressive laws and policies that contravene their international and constitutional obligations.

To move forward, innovative and cooperative policy approaches remain essential. For example, South Africa must strengthen asylum systems, while the promotion of equitable burden-sharing, and secure financial and technical assistance from international partners remains imperative. As indicated in the White Paper (RSA, 2024), the challenges that the DHA faces and the gaps evident in the asylum legislation can be addressed through policy reforms. The AU, donor states, and international organizations must coordinate sustainable solutions, including resettlement programs, and local integration initiatives, while addressing the root causes of forced displacement in a rigorous manner. Genuine refugee protection requires recognizing asylum seekers as rights-bearing individuals, as stated in the UN 1951 Refugee Convention, its 1967 Protocol, and the 1969 OAU Refugee Convention. Moreover, the application of Ubuntu offers a radical critical counter-narrative. It emphasizes communal responsibility and shared humanity, in contrast to securitized migration governance. Upholding Ubuntu demands a recommitment to constitutional supremacy and the protection of vulnerable Black African immigrants. The 2024 White Paper, if left unchallenged, risks institutionalizing xenophobia, weakening human rights protection, and tarnishing South Africa's international reputation in promoting human rights, as demonstrated in the country's *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v Israel)* (UN, 2025).

In this context, this article recommends concrete policy interventions, such as establishing an independent asylum oversight body, enhancing parliamentary accountability, and advancing regional frameworks grounded in solidarity and human dignity. Moreover, Western nations must model humane refugee practices through global ethical consistency where refugee protection can be standardized. Finally, civic education is indispensable in transforming public perceptions and media narratives. Governments, civil society organizations, and academic institutions must collaborate to counter xenophobia and promote empathy toward asylum seekers and refugees. Training for public officials, legal practitioners, media professionals, and community leaders should emphasize human rights obligations and the socio-economic contributions of immigrants. Encouraging open dialogue on economic, political, and cultural factors that shape migration policy can help to dismantle prejudices and inspire institutional reforms in South Africa.

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Examining Migrants' Bounded Rationality in the Face of Ethiopia's Legal Responses to Irregular Migration

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Abstract

This study examines the effectiveness of Ethiopia's current legal responses in addressing irregular migration through the lens of bounded rationality. Although Ethiopia has implemented various legal responses, this study argues that these responses continue to be ineffective, because they fail to change the "cost-benefit rational decision" of migrants. Through semi-structured interviews with 18 returnees and five government officials, the findings show that Ethiopia's legal responses focus disproportionately on punishment and border control. Crucially, these responses fail to address the structural drivers of irregular migration, specifically socio-economic factors and political grievances, which potential migrants consider as riskier than the legal consequences of such migration. The study concludes that for legal responses to be effective, Ethiopia must transcend the conventional criminalizing and securitizing measures. Instead, the country should focus on creating socio-economic opportunities and formal migration pathways that can shift the rational preference of individuals away from irregular ways.

Keywords: Irregular migration, Ethiopia, Legal responses, Rational choice theory (RCT), Socio-economic drivers, Migration governance

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BACKGROUND

Irregular migration remains a critical issue of the twenty-first century, deeply rooted in global economic inequality, social expectations, governance failures, and the rise of migration-restricting policies (Barnes et al., 2023). In Africa, particularly within the Horn of Africa (HoA), the situation has escalated significantly, positioning the region as a source and transit zone for migrants heading to the Gulf States, Europe, and South Africa (Fusari, 2018). Ethiopia stands out in this context as a major contributor of migrants to the Gulf States (Kodama, 2024) and a key transit and return point (Tjaden and Gninafon, 2022). This phenomenon is fueled by a complex interplay of socio-economic, political, and structural factors that disproportionately affect the youth (Shewamene et al., 2022).

In response, the Ethiopian government has implemented legal responses aimed at combating human trafficking and regulating recruitment agencies. These measures are designed to align with international standards, including the United Nations Palermo Protocol (UN, 2000), which targets smuggling and trafficking. Despite these efforts, irregular migration to the Gulf States and Europe persists alarmingly (Adem and Ebrahim, 2020), signaling a significant disconnect between governmental responses and the deeply entrenched drivers (Shewamene et al., 2022). Research indicates that punishment, border control, and sanctions are largely ineffective at curbing irregular migration (Gammeltoft-Hansen and Tan, 2017; Tufa, 2019).

Irregular migration across various countries can be attributed to the inadequacy of current responses to drivers such as unemployment and social pressures (Schurmann et al., 2022). In Ethiopia, young individuals continue to migrate irregularly despite their awareness of risks, driven by diverse motivations (Schewel and Fransen, 2018).

Many studies on irregular migration in Ethiopia emphasize drivers of migration. Among others, socio-economic drivers of migration (Kebu et al., 2023; Weldu et al., 2025), climate change (Mayer et al., 2023), political instability (Shewamene et al., 2022), and what Megersa and Tafesse (2024) identified as a culture of migration in which social networks change irregular migration into a normalized household coping mechanism. Several other studies deal with the descriptive legal analyses (Minaye, 2012; Woldemichael, 2017; Adem and Ebrahim, 2020). However, most of these legal studies on migration focus on a simplistic interpretation of human trafficking and smuggling of persons. Moreover, they often neglect to consider the migrants' agency, such as the process and power of individual and collective decision-making, which this study calls a "bounded rationality"—a rational choice that is constrained by multiple factors. To bridge this gap, this study emphasizes the intersection of the state's legal responses and migrants' decision-making power. The article examines how the current legal responses influence the rational deliberations of those considering irregular migration as an alternative pathway. To do this, the article examines: first, the

efficacy of the current legal frameworks in reducing or eliminating irregular migration, and second, the intersections of migrants' rational decision-making processes and the enforcement of the legal measures. Efficacy is conceptualized based on Czaika and De Haas's (2013) framework, which distinguishes between the efficacy gap and the implementation gap. The study argues that it cannot be reduced to a simple binary of success versus failure. Therefore, it considers the contribution of the legalistic responses in curbing irregular migration and the agency of the migrants in navigating the complex legal and securitized landscape.

BOUNDED RATIONALITY VERSUS LEGAL RESPONSES

Rational choice theory (RCT) considers migration a decision-making process in which migrants rationally weigh expected advantages, such as high income, against risks and costs, such as debt, abuses enroute, exploitation, and deportation. It states that individuals decide to migrate, calculating the cost-benefit by choosing alternatives that meet their expectations based on the available information and limitations (Roca Paz and Uebelmesser, 2021). In this article, however, by addressing the philosophical debate that rationality is a concept relative to space and time, the authors overcome the economic conception of rationality. Migrants' decisions are shaped not only by rationality but also by subjective perceptions and emotions based on the conditions in which the migrants and their families make the decisions—this is bounded rationality.

In the Ethiopian context, such subjective rationality is shaped by unequal access to information and operates within powerful socio-economic and political drivers of migration. Under such conditions, aspiring migrants commonly engage in what Max Weber (1978) conceptualized as the rationalization of the irrational, which is the individuals' justification of the risky migration decision. Minaye and Zeleke (2017) maintain that potential migrants overlook risks and consider positive attitudes to migrate irregularly. This study considers migration as a phenomenon that does not always depend on value-rationale (Weber, 1978) but is driven by personal responsibilities to assist parents or to flee a miserable life at home. While some aspirations, like the improvement of social status through education, were traditionally fulfilled through regular forms of migration, the limited access to these formal ways drive individuals to resort to irregular migration practices. This creates a semi-legal conundrum in which the boundary between regular and irregular migration has become blurred, as migrants pursue regular goals via informal ways, when there are high institutional restrictions (Debonneville, 2021).

These decision-making processes are informed by the disparity between existing legal responses and the reality of the migrants on the ground. These processes also highlight the efficacy gap, which is the extent to which these responses change the subjective perceptions of migrants. This article foregrounds the importance of understanding the decision-making rationalities of migrants and their families, despite these processes being constrained by multiple factors. In this context, the

effectiveness of legal responses largely depends on their capacity to render regular migration pathways accessible and attractive options rather than primarily focusing on securitized legal regimes.

DETERRENCE PARADIGM IN THE GLOBAL AND REGIONAL LEGAL RESPONSES

In Africa, challenges like conflict, weak governance, and economic hardship foster irregular migration (IOM, 2019). In response, many governments have implemented strict punitive laws (Tufa, 2019). This approach, known as the "deterrence paradigm," has led to increased pressure from the global community to combat human smuggling and trafficking (Gammeltoft-Hansen and Tan, 2017). Frasca (2023) explored how the European Union's (EU's) externalization policies and the Palermo Protocol influence African migration governance, emphasizing security and anti-smuggling. Bish et al. (2024) highlight how donor countries, along with major bodies such as the International Organization for Migration (IOM), the United Nations Office on Drugs and Crime (UNODC), and the EU have opted for legal responses to smuggling and trafficking in transit and coastal nations.

Additionally, European countries consider security, anti-trafficking, and smuggling as issues affecting them and thus influence the reshaping of national legal responses to irregular migration from Africa (Maher, 2017). Okunade et al. (2024) note that irregular migration from Africa to Europe continues despite ongoing efforts in Africa to contain it. Governments focus on punishment, believing that consequences like arrest and deportation will deter irregular migration. Similar measures focusing on punishment and border control in northern African transit countries, such as Tunisia and Morocco, have had mixed outcomes, often increasing migrants' vulnerability without effectively addressing irregular migration. In Morocco, strict border policies have trapped many migrants in challenging conditions due to the EU's externalization policies (Gross-Wyrtzen, 2020). Similarly, Tunisia's outdated laws classify individuals as "illegal," and unclear security measures worsen their vulnerability and fail to tackle poverty (Parikh, 2023). Further, Meddeb and Louati (2024) note that these measures have not reduced migrant numbers but rather increased their risk of exploitation, highlighting that enforcement-focused policies cannot address the root causes of migration. It is evident that punitive policies fail to achieve the expected goals because they fail to address the drivers of migration (Mesnard et al., 2024).

Ethiopia has implemented reforms like Proclamation Nos. 1178/2020 and 1246/2021, aimed at combating trafficking and informal recruitment, which include victim protection, agency cooperation, and legal prosecution (Busza et al., 2023). It also ratified international conventions such as the International Labour Organization (ILO) Convention on Forced Labor and the UN Palermo Protocol (Woldemichael, 2017). Strategies include punishing informal brokers (Tufa, 2019), considering travel

bans (ILO, 2022), regulating recruitment agencies (Gezahegne and Bakewell, 2022), and raising awareness among potential migrants (Busza et al., 2023).

However, the irregular migration persists due to gaps in implementation, lack of inter-agency cooperation, and a disconnect between policies and the root causes of migration (Gezie et al., 2021). Efforts to punish informal brokers and impose restrictions often drive migration underground, increasing migrants' vulnerability (Soto-Nishimura, 2023). Strict laws focused on enforcement do not change migrants' perceptions of migration's benefits nor provide alternatives to discourage irregular migration (Johnson et al., 2021).

Responses to irregular migration have been explored in various African countries. In Nigeria, the National Agency for the Prohibition of Trafficking in Persons has implemented measures and public awareness campaigns but has not effectively addressed the underlying causes, particularly in Benin City (Akhigbe and Effevottu, 2023). This indicates that enforcement alone is insufficient without efforts to enhance livelihoods and economic conditions. Albert-Makyur and Mbanaso (2022) highlight the governance challenges that Nigeria faces in dealing with irregular migration, including the risks of human trafficking along migration routes.

DRIVERS OF MIGRATION AND MIGRANTS' RATIONALITY

Although the Ethiopian government enforces strict measures to stop irregular migration from the country, youth continue to migrate irregularly. They decide to migrate, not out of ignorance, but by making rationally calculated decisions, assuming the benefits of migration over its risks. RCT is an essential lens through which to explain this situation, whereby individuals strive to maximize personal gain on the basis of a cost and benefit analysis (Klabunde and Willekens, 2016). Migration decisions are influenced by expectations of better employment and living conditions abroad, but risks such as financial loss and exploitation can deter individuals from moving (Huber and Nowotny, 2020). While individuals expect improved opportunities, the associated costs and uncertainties can discourage migration (Roca Paz and Uebelmesser, 2021).

Studies indicate that measures to reduce irregular migration, like punishment, are ineffective without addressing migration's root causes (Tjaden and Gninafon, 2022; Mesnard et al., 2024). Mesnard et al. (2024) highlight that externalization policies often lead individuals to riskier routes rather than curbing migration. Tjaden and Gninafon (2022) found that awareness programs in Guinea and Senegal amplified migration risks and slightly reduced migration plans, but many still pursue migration for its perceived benefits.

Moreover, expectations from families and social norms influence the belief in migration as a possible way out of a miserable life in the home country. The rationale is to fulfill socio-economic needs and moral obligations (Schewel and Fransen, 2018). Although Schewel and Fransen (2018) indicate that migration from Ethiopia is driven by family expectations and the desire for improved status, with education

through scholarships seen as a key factor, this study argues that these social pressures and desires for the improvement of life drive individuals to irregular migration as a rationale. Assfaw and Minaye (2022) explain that individuals do not decide to migrate based on their personal desires, because their choices are determined by subjective social norms and the community at large.

Frameworks that focus on restrictions may increase irregular migrations, because migrants seek assistance from informal brokers and smugglers to circumvent the bureaucratic process (Tufa, 2019). Tufa (2019) argues that punishment and the enforcement of laws that fight brokers fail to avoid demand, because when formal methods are limited in terms of access, youths and their families continue to rely on informal brokers to assist them. The Ethiopian government's measures against irregular migration result in covert migrations, suggesting that current legal responses are merely symbolic, failing to address socio-economic limitations.

Experiences outside Ethiopia highlight the challenges of irregular migration. In Bangladesh, restrictive recruitment policies have led to the rise of informal migration, as migrants rely on brokers for transport and visas when formal options are limited (Babbitt et al., 2023). Similarly, in the Philippines, economic hardship and weak legal protections push migrants to use informal channels, leading to vulnerabilities and semi-legal activity (Debonneville, 2021). Migrant choices reflect both rational decisions and institutional realities.

LEGAL RESPONSES IN ETHIOPIA: IMPLEMENTATION AND EFFICACY GAPS

Research in the HoA indicates that strict border enforcement does not deter migration. Gammeltoft-Hansen and Tan (2017) found that individuals weigh opportunities in destination countries despite barriers. Similarly, Weldu et al. (2025) note that youth in Tigray choose to migrate due to economic hardship and limited livelihood options. These studies highlight that migration decisions, whether regular or irregular, are often rational, especially in contexts of scarce opportunities.

In Ethiopia, attempts to curb irregular migration, such as banning informal brokers and imposing travel restrictions, address unsafe routes and recruitment practices (Shewamene et al., 2022), yet they fail to tackle the root drivers of migration (Kodama, 2024). For instance, a 2013 ban on women's migration aimed to reduce exploitation but did not address family pressures or labor demand (Dori et al., 2024). Similarly, punishing brokers targets individuals rather than the broader socio-economic factors driving secret migration (Busza et al., 2023). This framework is important because it highlights the gap between the objectives of the response and the results. In the context of RCT, individuals calculate the benefits and risks of migration. Thus, bans on migration do not eliminate migration incentives (Rosina, 2024).

In Ethiopia, from an RCT perspective, when individuals experience unemployment and limited access to formal ways, they consider that they have little to lose if they migrate, and migrating on risky routes appears to be their rational

choice (Eshetu et al., 2023). Shewamene et al. (2022) note that since formal agencies are located in urban areas and formal ways are difficult to access, informal methods of migration are easily understood; hence, irregular migration becomes a simple option. Migration, including rural out-migration, often happens due to limited access to land, employment, irrigation, and public services.

PROCLAMATION NO. 1178/2020: PREVENTION AND SUPPRESSION OF HUMAN TRAFFICKING AND SMUGGLING

Proclamation No. 1178/2020 replaces Proclamation No. 909/2015 and aims to combat human trafficking and smuggling through a punishment-focused legal framework. It includes measures for prevention, protection, and prosecution of related crimes. Structurally, it consists of 50 articles across seven sections, covering definitions, offenses and penalties, the National Council's role in police oversight, victim support through rehabilitation and compensation, and the protection of workers abroad (FDRE, 2020).

The proclamation defines trafficking and smuggling as crimes against humanity, with punishments for those who commit or assist in these actions. It focuses on punishment while establishing protections and support for victims, including services, rehabilitation funds, temporary stays, and cooperation between government and organizations (FDRE, 2020). This highlights its dual purpose of penalizing these crimes and enhancing victim protection.

However, this proclamation does not comprehensively address the push factors driving irregular migration. It is about recruitment rules, working conditions, and victims in theory and practice, yet prevailing push factors such as unemployment, poverty, and the absence of proper channels for migration are left untouched. Simply put, it treats symptoms, ignoring the main drivers. The reason for this practice is that the proclamation was enacted to regulate specific activities instead of addressing the structural socio-economic problems, such as poverty and unemployment. As a result, it does not promise job creation initiatives or rural development mechanisms, resultantly leaving the main drivers of irregular migration unaddressed.

In addition, awareness campaigns targeting norms, beliefs about migration, and information on irregular migration often fail to bring about real change. The proclamation and other related efforts in Ethiopia focus on controlling human trafficking and smuggling as the main problems. However, they are almost oblivious to the socio-economic factors that trigger irregular migration (Gezie et al., 2021; Sisay, 2024). Therefore, it can be concluded that the proclamation, on its own, does not address the issues that cause individuals to engage in irregular migration. RCT assumes that traffickers and smugglers act as rational actors based on potential gains and losses (Giannini and Di Filippo, 2019). Accordingly, the government tries to change individuals' decisions by publicizing information about the punishment for irregular migration and increasing the implementation of existing legal responses.

This aims to change their rational calculation, as it increases the expected risks and costs of irregular migration.

Regarding the recruitment of migrants, the proclamation complicates the process because it demands that agents have a government license and a formal business office with an open location. This makes it more difficult and costly for informal brokers and agents to operate. This forces informal brokers to work secretly with low costs and hidden locations. While it aids victims in accessing financial support, it does not fully address the socio-economic drivers of irregular migration, such as unemployment and poverty, as it primarily focuses on punishing brokers, smugglers, and traffickers. Consequently, many individuals in Ethiopia still view the risks of irregular migration as worthwhile. From an RCT perspective, effective implementation of the proclamation could deter some migrants from attempting irregular migration by increasing apprehension about being caught and the challenges of successful migration (Wang and Pei, 2019). However, RCT suggests that human traffickers become involved in trafficking based on expected benefits against being caught.

If the implementation of laws is weak and inconsistent, smugglers and traffickers will not fear punishment, as they perceive the likelihood of being caught and convicted as low. A report by the U.S. Department of State (2024) indicates that human trafficking convictions are rare due to witness non-cooperation, highlighting the law's ineffective deterrent role. Consequently, those facilitating irregular migration adapt to this weakness, leading to more covert routes, increased migration costs, and rising exploitation and abuse.

Furthermore, gaps exist in the proclamation, as it is not designed to address economic hardships; thus, it does not link job opportunities to better income options at home. Because migration through irregular ways seems preferable, the advantages of acting against the law remain the same. It is a highly punishment-focused law intended to punish informal brokers, traffickers, and smugglers, but its implementation is insufficient, as it does not guarantee they will be caught and punished.

PROCLAMATION NO. 1246/2021: ETHIOPIA'S OVERSEAS EMPLOYMENT (AMENDMENT) PROCLAMATION

Proclamation No. 1246/2021 was established by replacing Proclamation No. 923/2016. Proclamation No. 923/2016 is known as the Overseas Employment Proclamation, because it aims to protect Ethiopians migrating for work abroad, with particular emphasis on domestic workers (ILO, 2017). It introduced new activities, such as pre-departure training, licensing for agencies that recruit and control them, and bilateral labor agreements, with a focus on protecting workers and reintegrating returnees (FDRE, 2021).

This amendment aims to address gaps in the implementation process, including tougher enforcement for agencies created to hire migrants, penalties for unlicensed agents, and enhanced cooperation. There is also a widening role for the Ministry of Labor and Skills for better monitoring of recruitments (ILO, 2017).

This proclamation, because it is punishment-focused, makes such punishment very difficult to enforce in the context of trafficking, smuggling, and informal recruitment. Punishment includes long prison sentences and high fines for individuals and agencies involved in these activities (see Article 15 (d)F and (e) of the FDRE 2021 Proclamation). In other words, it is punishment-focused and imposes strict penalties (Busza et al., 2023).

However, it falls short in addressing the root causes of irregular migration. While it aims to control informal recruitment and ensure safer migration practices (see Article 15 (d)), such as regulating recruitment agencies and establishing training rules, it does not address the deeper reasons driving individuals to migrate irregularly (Shamebo and Zewde, 2022). The strict guidelines are often poorly implemented due to corruption, ongoing informal practices, and persistent socio-economic challenges, showing that the existence of these proclamations alone does not deter irregular migration (Nigusie, 2022).

Since individuals decide to migrate irregularly based on their subjective experiences and success stories, they weigh the benefits and costs of migration and decide to migrate irregularly if the perceived benefits outweigh the costs. So, instead of making rational decisions, they decide to migrate irregularly, regarding expensive and risky migration as a reasonable choice. Proclamation No. 1246/2021 alters this practice by increasing penalties for informal brokers and smugglers, making irregular migration riskier and more expensive. It also imposes stricter licensing requirements for formal recruiters, complicating their operations. The proclamation aims to promote safe, formal migration pathways through licensed agencies and bilateral agreements for work migration.

Despite legal proclamations against irregular migration, many individuals continue to pursue it, as they believe the chances of being caught are low. The perceived benefits of irregular migration often outweigh the risks, especially given the difficult circumstances at home and better opportunities abroad (Barako, 2022). Even as penalties increase, informal brokers, smugglers, and traffickers adapt by operating covertly and charging higher fees, which does not deter migrants from seeking irregular routes. While legal responses may slow down irregular migration, they are unlikely to eliminate it. The existing laws focus on punishing individuals and unlicensed recruiters, failing to address the root causes driving migration (Busza et al., 2023).

From the bounded RCT perspective, this measure fails to make formal migration accessible, instead pushing individuals toward high-cost informal routes. Consequently, irregular migration, especially to the Gulf States, persists (Kodama, 2024). The proclamation has a dual focus: increasing penalties for irregular migration and informal brokers, while also implementing regulations to control formal migration. Though it aims to strengthen official systems, punishment alone does not curb irregular migration (Tufa, 2019). Additionally, issues such as poor coordination

and corruption hinder the execution of existing responses, leaving the root causes of irregular migration unaddressed (Gezie et al., 2021).

The interface of Proclamation Nos. 1178/2020 and 1246/2021 provides a dual-track mechanism. While the first one aims at protecting migrants from various forms of exploitation, the second aims at monitoring formal labor migration. However, practically, the strict rules of the license and the requirements for high finance under the second proclamation make formal migration challenging. To this end, it has limited access to formal migration ways and created what Czaika and De Haas (2013) term implementation gaps.

From an RCT perspective, migrants are highly inclined to approach informal brokers when formal ways of migration are costly, inaccessible, and complex to access (Tufa, 2019; Nigusie, 2022). In other words, such a mechanism intended to stop irregular migration may unintentionally drive individuals toward it. Accordingly, unless formal ways of migration are proven to be faster, easily accessible, and more advantageous than irregular ones, Ethiopia's current proclamations will continue to be more symbolic than effective (Kodama, 2024; Rosina, 2024).

Moreover, weak cooperation among institutions in Ethiopia makes irregular migration worse. For instance, weak cooperation between the Ministry of Labor and Skills and the Ministry of Justice may create protection gaps, which leaves room for informal brokers to continue facilitating migrants' journeys secretly by making themselves assistants and consultants by avoiding formal rules and punishment (Busza et al., 2023; Gezie et al., 2021). Furthermore, formal migration generally requires education, training, and time, which several young people from rural Ethiopia may not have, notably when they are constrained by limited finances. Given this scenario, Ethiopian migrants may prefer easily accessible informal ways, although they know that they are risky. Therefore, by using bounded rationality, this study argues that irregular migration from Ethiopia continues because of a rationality gap—legal responses focus on punishment and controlling migration, yet they fail to address how migrants make decisions based on the challenges they encounter (Schewel and Fransen, 2018; Eshetu et al., 2023).

METHODS

Research approach

Although RCT primarily employs qualitative modeling to measure utility, this study used a qualitative framework of bounded rationality as a guide to evaluate Ethiopia's current legal responses intended to address irregular migration. Hence, this shift does not provide a quantitative approach, because it focuses on the subjective interpretation of irregular migration risk, which is driven by pressures at home. This approach is important for addressing how existing laws are effective in addressing structural and behavioral factors driving irregular migration from Ethiopia. A qualitative approach can be used to investigate participants' perspectives in detail and

to examine how different types of proclamations and policies are designed to manage migration and to evaluate their implementation (Maxwell, 2013). In addition, it helps to collect rich information and context-based qualitative data. To this end, the study merged an analysis of documents of three selected proclamations and codes with semi-structured interviews conducted with returnees and government officials.

DATA COLLECTION INSTRUMENTS AND PROCEDURE

The study collected primary data and consulted secondary data. It conducted semi-structured interviews with returnees and government officials (lawmakers and enforcers), using a detailed guiding protocol. To ensure the safety of participants and the integrity of the data, the interviews were conducted in private and neutral settings, notably private offices for officials and secured community space for returnees to provide a confidential environment for an open information exchange. The interviews were conducted from January to December 2023, each lasting 50 to 60 minutes. Interviews were recorded with participants' consent, and the transcripts were prepared later. In addition, legal documents (proclamations) were sourced from secondary sources. Proclamations were reviewed using qualitative content analysis to identify articles related to punishment of irregular migration, human smuggling, trafficking, protection of the rights of workers, and the integration of socio-economic drivers of migration. Because the study assesses the implementation and efficacy gaps of Ethiopia's current legal responses, it gathered secondary data from peer-reviewed scholarly articles and official reports from the IOM, ILO, and U.S. Department of State. These were used to triangulate the interview data, as it provides a documented benchmark of migration trends and international legal standards to make a macro-level analysis of Ethiopia's legal responses. This triangulation ensures the dependability and credibility of the findings by comparing the subjective bound experiences of returnees and officials' perspectives against these benchmarks and legal standards.

Sampling technique

This study used a purposive and snowball sampling technique to choose participants with relevant knowledge and lived experience of migration control and awareness of the dynamics of irregular migration. Purposive sampling was important to identify rich information cases, notably those directly involved in the making and implementation of laws governing migration. Subsequently, the snowball sampling technique was used to extend the sample size by which initial participants suggested others in their network who had similar experiences in irregular migration. This technique enabled access to participants who were difficult to reach because of the sensitive (irregular nature of migration) experience, the issue of trust, and stigma.

The study was conducted at the national level with primary data collected in Addis Ababa, the capital of the country. The capital was chosen as the main study setting,

as it hosts the main institutions responsible for migration-related issues and law-making and implementation organs of the government. In addition, the capital serves as the main center for returnees, including those forced to return via international organizations and formal government programs. However, many returnees who participated in this study were from migration-prone areas in the Amhara region. This required the study to capture irregular migration experiences beyond the capital. On this basis, 23 participants—18 returnees and five government officials—were chosen. The integration of the above sampling techniques enabled researchers to incorporate institutional perspectives and lived experiences, which enhanced the depth, contextual richness, and credibility of the collected data.

Data analysis

The research team analyzed the data using thematic analysis to identify patterns and themes. While some themes were analyzed deductively on the basis of the RCT, others emerged directly from the primary data collected through semi-structured interviews (Braun and Clarke, 2006). In so doing, a codebook was used to explain these themes, including the time needed to use them, so that coding was organized. Thereafter, patterns that occurred between the proclamations and the interviews were compiled in tables (see Table 1) to show the perspectives from both the participants and a legal standpoint.

Table 1: Mapping the proclamations with findings

Proclamation	Provision	Interpretation based on the RCT	Findings
Proclamation No. 1178/2020 (prevention of human trafficking and smuggling)	-defines trafficking and smuggling -provides guidelines on the management of criminal activities and punishment -protects victims -coordinates engagement among agencies -determines measures of prosecution and punishment	-increases the costs of punishment for traffickers and smugglers -increases the probability of being caught and detected -includes protection that can change the expected advantages for migrants	**Information gap** -returnees do not know about the protections by legal responses **Weak implementation** -credibility gap exists, which shows that the expected deterrence fails to stop irregular migration

Proclamation No. 1246/2021 (overseas employment of Ethiopians)	-outlines rules of employment abroad -recognizes licensed private agencies and outlines their responsibilities -monitors recruitment agencies -raises awareness before migration for work purposes -approves contracts -protects workers abroad -governs bilateral agreements with foreign countries receiving workers -outlines government recruitment roles to decrease exploitation	-decreases push drivers by offering safe recruitment -raises transaction costs for informal brokers -decreases the expected advantage of irregular migration, which is a risky option	**Paradox of accessibility** -scarcity of employment opportunities and job creation at home, which increases the decision to migrate irregularly for work, because formal ways of migration are not easily accessible -formal migration options make it complex, and individuals feel that the easiest way is paying informal brokers

Source: Author's own compilation

FINDINGS

This study found that Ethiopia's legal responses to irregular migration, particularly Proclamations Nos. 1178/2020 and 1246/2021 are ineffective, as they focus on punishment rather than addressing root causes, such as poverty and unemployment. These punishments increase migration risks and make staying at home less advantageous, ultimately failing to reduce irregular migration.

Punishment and implementation-focused response

The findings show that despite the prevalence of legal responses, implementation is inconsistent due to resource constraints, which affects the effectiveness of punishment based on the logic of the RCT. A government official remarked,

> Our laws are strong. However, they are weak in implementation. Limited conviction, the prevalence of a limited rate of conviction, and lack of witnesses decrease effective implementation. (GO2, May 09, 2023).

Another added,

> Because our strict laws are not properly implemented, [irregular] migration continues. (GO1, April 17, 2023).

Another official supported this, saying:

> Since our laws provide ways of controlling [irregular] migration, we need to strictly work on controlling our border and illegal brokers. If laws are properly implemented, we can decrease it. (GO5, December 01, 2023).

The participants noted that legal responses are not effective in deterring individuals and stopping them from irregular migration, as informal brokers and other smugglers assume the prevalence of a low chance of being caught and punished. They noted that responses are not effectively implemented and do not address the main factors that influence individuals' preferences for irregular migration. Government officials explained that "irregular migration is illegal" and has resulted in the activities of smugglers and informal brokers being conducted in secret. According to them, this made migrants highly vulnerable and migration more costly. They consistently remarked that legal responses fail to decrease the number of irregular migrants. Notably, they stated that Ethiopia's legal responses focus on punishment, as they emphasize arresting unlicensed brokers, smugglers, and traffickers.

The participants' accounts also show that even when punishment is implemented, the government targets supply-side actors, such as unlicensed brokers, smugglers, and traffickers. From an RCT perspective, the narrower focus on punishment creates an efficacy gap, as it fails to change the migrants' cost-benefit calculations. Accordingly, legal responses are implemented as a weak deterrent, because the bounded rationality of these migrants remains focused on the expected benefits of migration, instead of the legal risks. This is considered as being externalized to informal brokers instead of migrants considering the risks.

The continuation of irregular migration despite legal responses

The findings reveal that, despite existing legal responses, many individuals continue to migrate irregularly on risky routes. The findings indicate the gap between awareness of legal responses and deterrence. Most of the returnees explained that they were already aware of the existing responses but decided to migrate due to economic hardship and social pressure at home. Their knowledge of legal responses failed to change their decision-making. A returnee said,

> I knew it was against the law, but I have chosen to face the risks instead of suffering and dying being unemployed. (RT1, January 5, 2023).

Another substantiated this, saying:

> Are laws designed to punish the poor? I want laws that can help me obtain jobs and a safe life. Because they could not do so, I migrated to search for better jobs, as most individuals did. (RT12, June 13, 2023).

In light of bounded rationality, this implies that legal responses fail to stop individuals from irregular migration, because their miserable lives at home matter more than legal risks. Another participant confirmed this:

> I went because my family had no means to support me. They pushed me to migrate, like friends in the neighborhood, because I had no job. (RT2, January 05, 2023).

Migrants' fear of punishment and sanctions is overshadowed by economic drivers and the prospect of remaining unemployed. Thus, the legal responses do not work effectively, because they are not aligned with individuals' real-life experiences at home.

Interviews with government officials also corroborated the failure of deterrence. They recognized that although legal responses are technically in place, they fail to change individuals' decisions to migrate. An official noted,

> We have laws to punish unlicensed brokers. However, they cannot address the increasing unemployment and economic problems that push individuals to migrate. (GO4, November 21, 2023).

Another official added,

> By using laws only, we cannot stop irregular migration. I believe that bringing job opportunities can at least decrease the number of migrants. (GO3, November 20, 2023).

From the perspective of assessing legal responses, this highlights a significant efficacy gap, as the laws remain symbolic rather than effective. It is evident that these governmental responses do not address the drivers that push individuals to migrate. Resultantly, people consider punishment as a risk and do not change their decisions to embark on irregular migration.

Disconnect between legal responses and socio-economic drivers

The findings reveal that legal responses intended to control irregular migration are not aligned with Ethiopia's development plans, particularly in terms of employment opportunities. According to a government official, the country's efforts to prevent irregular migration are not aligned with the basic needs of people in areas most affected by irregular migration:

> Our laws are not human-centered, as they do not prioritize the socio-economic problems of the people. Instead, they focus on punishing them if they migrate irregularly. (GO4, November 21, 2023).

The RCT suggests that without effective legal avenues at home, people view irregular migration as their only option to escape a difficult life. According to the participants, legal responses do not effectively address the main drivers of irregular migration. Notably, returnees mentioned that increasing unemployment, economic hardship, poverty, family pressure, and a belief in success through migration pushed them to migrate irregularly. Many of them also warned that they would again migrate irregularly if the government failed to improve their economic circumstances. They confirmed that they received little support upon returning home, which led them to consider irregular remigration.

In response, government officials stated that although Proclamation 1178/2020 contains provisions to support and assist victims of trafficking, implementation is limited. Officials also reported that government organs, including ministries and local administrations, do not work in effective coordination, which has an impact on the effective management of migration. They also remarked that this weakens the country's efforts to prevent irregular migration.

Returnees confirmed that programs designed to raise awareness about migration were implemented after their migration. One of them said,

> I heard that the government informs people about the disadvantages of [irregular] migration, after leaving my country. (RT9, May 08, 2023).

Another confirmed this, saying:

> It is after most of us migrated that the government tried to inform us about the risky nature of [irregular] migration. (RT11, June 02, 2023).

According to the RCT, individuals will continue to choose irregular migration despite the risks, unless legal responses create opportunities for them to remain and work at home.

Gaps in perception and rational calculation

The findings show that most individuals who decided to migrate irregularly were aware of the risks. In fact, they compared two separate risks: the risk of staying at home without a bright future and the expected risk during irregular migration. This returnee's context suggests that their risk-taking was a deliberate decision, because they felt that they were in a situation of relative deprivation:

> I have tried to achieve my dreams through migration, although I am deported. I know very well that I have nothing here. (RT8, April 16, 2023).

Another added,

> I knew what would happen to me, but it would not be riskier than suffering and dying here with my family. At least there is a chance outside this country. (RT14, July 27, 2023).

Another further explained:

> The government told us not to make [irregular] migration, but it does not give us employment opportunities. Therefore, I decided to migrate, although I know the risks on the route. It is better than dying here. (RT13, July 27, 2023).

So, returnees' migration is not irrational, but a good enough choice. They believe that the opportunity to improve their economic circumstances is more important than legal risks. Returnees' accounts show that risk is part of their irregular migration rather than a form of punishment, indicating that their rational calculation prioritizes anticipated advantages over risks and punishment.

From an RCT point of view, individuals make rational decisions, as they anticipate the advantages of migrating irregularly to make their dreams come true through securing a good job with better payment and sending a remittance home, more than the risk of being caught and punished. An official explained this as follows:

> I think we could not stop migrants unless we meet their needs at home. (GO1, April 17, 2023).

A returnee agreed:

> Unless the government creates jobs and improves our lives [at home], I will migrate again when I get a suitable chance. (RT15, September 14, 2023).

An official supported this claim:

> We need to provide available opportunities for safe migration by giving migrants proper training. (GO5, December 01, 2023).

These accounts of returnees' decisions to remigrate reveal a serious problem, because existing legal responses as well as conditions at home are too weak to support job creation. Although some respondents suggested starting their own business, other returnees felt that this would be impossible without access to loans, access to markets, and improved state support. This highlights respondents' views that their decisions to migrate were not because of their denial of opportunities at home.

In contrast to the returnees' accounts and those of four government officials, another official attributed irregular migration to misinformation. He said,

> Most of the migrants do not know the risks of [irregular] migration. I believe that if they had enough information, they would not migrate [irregularly]. (GO3, November 20, 2023).

According to several officials, this is the result of a disconnect between legal responses and migrants' rational choices. Based on the RCT, until the core factors of irregular migration are addressed and appropriate channels for migration are provided, individuals will continue to find it more advantageous, despite the punishing legal measures.

DISCUSSION

This study assesses the effectiveness of Ethiopia's current legal responses in relation to irregular migration using an RCT framework. The findings show that the legal system responds punitively, implying that irregular migration is considered an offense, rather than addressing its drivers. Migration is perceived by individuals as a subjective rational decision that is informed by the socio-economic drivers, rather than the law. Consequently, the issue of irregular migration has not been addressed by the existing policies. Other studies concur that official responses that inspire hope, capacity (De Haas, 2021), poverty alleviation, and opportunities, rather than strict policies, influence and drive migration (Kebu et al., 2023).

Irregular migration decisions and RCT

According to the RCT, individuals decide to migrate irregularly, prioritizing the anticipated advantages over the costs (risks) and increasing their expected utility when they encounter certain limitations (Addeo et al., 2023). However, this study finds that such calculations are bounded by limited information and social pressure. This means that irregular migration is a rational reaction to challenges at home (Johnson et al., 2021). As a result, legal responses that may restrict or prohibit migration that allows working abroad are intended to shift such calculation of utility by increasing the costs and decreasing the advantages of such migration (Rosina, 2024).

Nevertheless, the findings show that legal responses have not changed how individuals think about migrating irregularly, as the returnees asserted that their acts of irregular migration were value-rational choices (Weber, 1978). Legal responses do not prevent individuals from migrating irregularly, given that poverty and social expectations continue to shape their decisions. These problems make irregular migration a rational choice for many individuals in Ethiopia, regardless of the challenges along the routes.

Limitations of the punitive legal response to irregular migration

Ethiopia's current legal responses to irregular migration focus mostly on punishment. These responses align with international conventions against human trafficking and smuggling, which primarily emphasize arresting criminals instead of addressing the main drivers of irregular migration (Nigusie, 2022). The responses, notably Proclamation No. 1178/2020, were intended to punish unlicensed informal brokers, smugglers, and traffickers. Proclamation No. 1246/2021 similarly focuses on identifying and punishing private employment agencies if they are not licensed (Busza et al., 2023). Legal responses outline the formal steps to be followed by government organs responsible for the investigation and prosecution of criminals. However, this study's findings show that the focus on implementing legal responses and punishments has not led to significant changes in individuals' decisions to migrate irregularly.

Official responses in Ethiopia follow international declarations but do not address the challenges individuals face at home. According to the RCT, legal measures making migration riskier will only be effective if people believe in their implementation and have better local opportunities. Currently, the Ethiopian government struggles to implement its legislation effectively, and economic opportunities remain limited (Busza et al., 2023). Consequently, many desperate people see irregular migration as a rational choice, despite legal repercussions. This reflects criticisms of developing countries' migration policies, which often focus on punishing migrants rather than tackling the root causes of migration (Gammeltoft-Hansen and Tan, 2017). This indicates that punitive measures fail to change individuals' decisions, because they do not address the deep-seated socio-economic drivers that push them to migrate irregularly. For many Ethiopians in rural areas, the decision-making process is a kind of survival rationality in which the risk of staying home due to limited opportunities is considered better than the risk of irregular migration.

This finding is consistent with existing studies, which suggest that when legal responses focus primarily on punishment without providing opportunities, they fail to change individuals' cost-benefit calculations (De Haas, 2021; Schurmann et al., 2022). According to bounded rationality, since migration is considered the only way out to improve their lives, existing legal responses will not stop individuals from migrating irregularly, as they view these responses as invalid reasons to avoid migration. The Ethiopian legal responses demonstrate what De Haas (2021) calls the "aspiration–capability gap" in individuals who truly want to migrate, yet they do not have access to formal methods because of limited opportunities and resources.

Disconnect between legal responses and socio-economic drivers

One of the main findings of this study was the prevalence of a disconnect between legal responses and reality at home. Ethiopia's current legal responses are good on paper and align with the UN Palermo Protocol (United Nations, 2000). Nevertheless,

their implementation occurs in areas with many unemployed individuals, suggesting a gap between the rich and the poor and between rural and urban dwellers (Gezie et al., 2021). Theoretically, the gap between responses and reality shows that many individuals undertake irregular migration as a rational choice, as responses intend to make migration riskier. For example, unemployed youth in rural areas under family pressure to earn money may consider irregular migration their best option, although it is prohibited by law.

The findings also show that individuals' knowledge of legal responses does not mean that they will be obedient to them. Because these individuals continue to expect greater benefits from such irregular migration while overlooking its costs, legal responses alone are not enough to change their behavior. Real change is also needed to improve individuals' lives through ensuring the creation of employment and several other economic opportunities. This finding supports the view that legal responses are important, but they are not enough, unless they lead to changes in individual behavior by expanding domestic employment opportunities and enhancing livelihood capabilities (Mussa, 2020).

Weak assistance to returnees and protection of migrants

Another finding is a problem related to the weak assistance to returnees and migrants, including their protection. Ethiopia does not have a strong or stable system of assisting migrants and returnees. The two legal responses make provision for the assistance, recovery, and reintegration of victims. However, these services are not well implemented in practice, because they are implemented by external organizations. The interviews revealed that several returnees do not receive meaningful assistance, as they receive only short-term emergency aid. Because of this, many returnees continue to face risks, as they are subjected to debt and forced to repay loans, continue to struggle for money, and decide to remigrate irregularly again. This aligns with the findings of Busza et al. (2023), who note that responses intended to assist returnees are weak, resource-limited, and poorly structured.

From the RCT perspective, a weak system limits the availability of resources and information to individuals. When assistance from nongovernmental agencies and the government itself fails to improve their living conditions or facilitate reintegration, individuals may choose to remigrate as a solution to their plight. This is not their rational impulse, but a calculated response to the miserable situation they face at home. As Birara (2017) indicates, returnees are more likely to remigrate irregularly when reintegration fails, leading to inequalities and unemployment. Strict legal responses focus on punishment rather than addressing the root causes, suggesting a conflict between Ethiopia's international commitments to protect victims and its domestic efforts to curb irregular migration. Additionally, anti-human trafficking systems often prioritize border control over victim assistance (Demeke, 2024).

Other countries' experiences reflect similar problems. For example, in Nigeria, a national agency was established to assist returnees and reintegrate them. However,

such assistance is limited, its implementation varies by state, and it depends on foreign aid. As a result, several returnees attempted to remigrate irregularly (Shaidrova, 2022). In Kenya, reintegration initiatives do not work effectively because of a lack of sufficient funding and weak cooperation between national and local institutions (Ochanda, 2022). Several other countries are also struggling because their legal responses focus on punishing individuals and implementing laws rather than assisting returnees in pursuing various opportunities. As a result, returnees face challenges in reintegrating with their community.

All in all, Ethiopia's experience reflects policy problems, as the government tries to be strict to stop irregular migration rather than create essential assistance mechanisms for returnees. Consequently, the returnees feel that they are unsupported in their efforts to access the necessary opportunities to stay at home; hence, their plans to remigrate. To address this problem, Ethiopia needs to review its focus on punishment and law implementation by embracing development-focused measures to improve individuals' lives.

IMPLICATIONS OF THE STUDY

This study offers practical and theoretical insights for policymakers aiming to address irregular migration while fostering development. It advocates for government investment in domestic labor-market opportunities and formal migration pathways, alongside public awareness initiatives rather than punishment. The research employs the RCT to highlight the necessity of collaboration among divided institutions. It emphasizes the importance of creating employment and reintegration programs that address socio-economic factors and enhance anti-human trafficking awareness, while strengthening cooperation among local and regional agencies.

LIMITATIONS OF THE STUDY AND FUTURE STUDY AREAS

As this study is limited to 23 participants and in the specific sociopolitical landscape of Addis Ababa, the findings can be applied to a specific context instead of representing all situations. The context of the geographic landscape is characterized by high unemployment, which is determined by the bounded rationality of the participants. Accordingly, future studies should consider a large sample size and longitudinal access to returnees and other migrants by employing a mixed-method design. This enables us to measure how strict legal responses focusing on punishment or socio-economic assistance programs can change individuals' rational decisions to migrate irregularly.

CONCLUSION

Irregular migration from Ethiopia is rising despite legal responses put in place. These responses focus on punishment and overlook factors driving the migration, such as poverty, unemployment, conflict, and the allure of success abroad. According to the RCT, individuals make decisions by weighing the benefits of irregular migration against its risks. Although formal migration channels and improved job opportunities can help to decrease irregular migration, they are not enough. Such an approach must consider other factors, like individuals not trusting institutions—including the government—social networks, and a culture of migration. To make responses more effective and encourage people to stay, the government should enhance opportunities at home, including accessible formal migration options.

Although the Ethiopian government tried to stop irregular migration by implementing legal responses, it has also made further efforts to enable migrants to return and reintegrate them in an organized way. Using strategies like the National Partnership Coalition on Migration "*Wedemahiberesebu makatet*" (inclusion), Ethiopia has developed initiatives in collaboration with the IOM and the ILO to provide psychological support and training for returnees. Nevertheless, the efforts to create jobs have limitations because of economic challenges and because the skills that the returnees have do not align with the jobs available at home.

However, Ethiopia currently focuses on punishing irregular migration. As a result, many still view irregular migration as their best option, because current legal measures lack positive alternatives. Effective responses must involve development initiatives that improve living conditions, as simply enforcing laws will not stop irregular migration. Instead, the government should provide essential options that encourage people to stay or migrate through formal channels.

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The Democratic Costs of South Africa's Zimbabwean Exemption Permit Process

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Abstract

The Zimbabwean Exemption Permit (ZEP) process is most often analyzed through the lens of migration and the justice of South Africa's treatment of migrants, refugees, and asylum seekers. This discourse focuses on critically important issues yet remains incomplete in two important ways: first, it fails to interrogate the impact of the ZEP policy and process on South Africa's citizenship regime; and second, it does not connect the governance failures of the ZEP process with wider questions of democratic governance. In this article, I respond to these gaps, using a lens of democratic citizenship theory to analyze the ZEP process, as outlined in key public documents: public court documents in the case of *Helen Suzman Foundation v Minister of Home Affairs and Others (Case 32323/2022)*, minutes of relevant parliamentary committee meetings recorded by the Parliamentary Monitoring Group (PMG), and public statements by the Department of Home Affairs (DHA). I argue that this analysis reveals a concerning lack of commitment by the DHA to the core democratic values of political equality, political representation, and the ability to plan and live a life according to one's conception of the good. This is evidenced in both the content and articulation of decisions within the policy process and the failures of democratic governance evident in the ad hoc decision-making, poor communication, shifting narratives, and a lack of public consultation.

Keywords: Zimbabwe Exemption Permit, Democratic citizenship, South Africa, Department of Home Affairs, Democratic ethics

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INTRODUCTION

In late 2021, the Department of Home Affairs (DHA) announced that following the imminent expiry of Zimbabwean Exemption Permits (ZEPs), they would not be renewed. Permit holders were granted a one-year "grace period" to leave South African or regularize their status through another route. The department has faced significant criticism for this decision and has been forced to extend the grace period twice and, by court order, to reconsider the decision following a fair process in line with the Promotion of Administrative Justice Act (3 of 2000). The department sought to appeal this ruling, but the special leave to appeal was dismissed by the High Court in June 2024 (Fraser, 2024). The permit was therefore set to remain in place until November 2025 and the department mandated to follow a procedurally fair and consultative process before any further decision is made (2024). Currently, the permit remains in place with a further extension until May 2027, as stipulated in *Regulation Gazette No.11893* (RSA, 2025).

The ZEP is most often discussed in public discourse and academic literature through the lens of migration and the important question of the justice of how South Africa treats immigrants, refugees, and asylum seekers (Moyo, 2018, 2020; Nyakabawu 2021, 2022; Maziyanhanga and Majavu, 2023). The purpose of this article is to add to this discourse through shifting the lens of engagement. Current debates and analyzes are incomplete in at least two important ways: first, they fail to offer analysis of the impact of the ZEP policy and process on South Africa's citizenship regime; and second, discussions do not connect the governance failures of the ZEP process with wider questions of democratic governance. Overall, the ZEP discourse does not sufficiently engage with the impact of the permit regime on the democratic project of South Africa itself. Moreover, this engagement does not undermine the important focus on the impact on ZEP holders but rather, in the end, highlights new layers of the injustice of the ZEP regime for the holders while also importantly revealing the democratic costs for South African citizens. Through this new lens, I argue that the ZEP case reveals important features of how the South African Department of Home Affairs (DHA) has approached the concept of, and rights to, democratic citizenship in the post-apartheid era.[2]

The article offers an interdisciplinary, normative approach to an analysis of the ZEP process. It combines a close analysis of key documents to provide an empirical grounding with a political theory lens of normative analysis. Included documents were purposively selected to provide insight into the public record of how the Zimbabwean exemption process proceeded from its origin in 2009 to date (early 2026). These included public court documents in the case of *Helen Suzman Foundation v Minister of Home Affairs and Others (Case 32323/2022)*; minutes of relevant parliamentary committee meetings recorded by the Parliamentary

[2] Note that the DHA groups the ZEP with the Lesotho Exemption Permit, indicating they followed the "same process," albeit on different time frames (DHA, 2023). Here, the ZEP is the focus due to the larger number of holders and the longer length of the exemption; but many arguments may be fruitfully applied across both cases.

Monitoring Group (PMG), and public statements by the DHA. A 2011 report by the African Centre for Migration and Society, University of the Witwatersrand was included to capture insights on the early process. This documentary analysis aims to set out a comprehensive account of the process, and alongside this, an analysis of how the DHA characterized the exemption at different stages of its history. A reliance on public record is limited insofar as it does not capture the nuance of internal DHA conversations, nor the experiences of Exemption Permit holders themselves. It is appropriate, however, for the aims of this article to offer insight into what the DHA, through its actions and articulations, has conveyed about its approach to citizenship and its commitment to democratic principles.

This empirical basis is analyzed through the lens of democratic citizenship theory. The article does not set out an extensive theory of liberal democratic citizenship ethics but relies on three foundational principles inherent to the idea of liberal democracy: equal political representation, political equality, and the ability to plan a life in accordance with one's conception of the good. Despite deep disagreements among the theories of democracy, social justice, and freedom that are invested in liberal democracy, they share a commitment to freedom and equality, albeit in different forms (Pettit, 1999; Rawls, 1999; Stilz, 2011; Nussbaum, 2013; Hobden, 2021). This commitment grounds the central importance of an equal say in the rules that govern one and the freedom to live one's life according to one's own choices, without arbitrary interference and with conditions that secure one's human dignity and ability to make and carry out choices for the future. The choice of these three principles is reinforced by their protection in the South African Constitution's founding provisions, which commit to the values of "human dignity, the achievement of equality and the advancement of human rights and freedoms" as well as explicit mention of universal adult suffrage and equal citizenship (RSA, 1996: Ch1, s1 and 3). The ability to plan one's life in line with one's own conception of the good is enabled by democratic freedoms within the Bill of Rights, such as that of association, religion, or occupation, and the socio-economic rights that enable human dignity and agency to carry out one's plans (Liebenberg, 2005).

The paper proceeds in three key steps: first, I present the history of the ZEP process based on a close analysis of key public documents. Second, I analyze these documents alongside academic literature and identify the prominent arguments and framings of the issues. This analysis offers both deeper insight into the issues at stake and delineates the relatively narrow scope of the existing discourse that fails to fully appreciate the risks to democratic citizenship imposed by the extended temporariness of the permit, the continuous uncertainty for long-term residents, and the ad hoc nature of decisions around a central question of who is or is not entitled to become a citizen. Third, I respond to this gap through an analysis of the ZEP process through the lens of democratic citizenship theory, and fourth, through the lens of the values underpinning democratic governance. Taken together, these sections reveal the DHA's lack of due consideration for core democratic

principles during the ZEP process, which not only harms ZEP holders but also risks undermining a robust conception of democratic citizenship in South Africa.

SETTING THE SCENE: A HISTORY OF THE ZIMBABWEAN EXEMPTION PERMIT

In April 2009, a special dispensation was put in place that protected Zimbabwean nationals from deportation and introduced a three-month visa-free entry system (Amit, 2011: 4). This was followed in September 2010 with the first opportunity to apply for a special permit (Amit, 2011: 4). Known as the DZP, more recent sources refer to this permit as the Dispensation of Zimbabwean Project (DHA, 2022: s10.1; HSF, 2022a: s20), while earlier sources cite the Documentation of Zimbabweans Project (PMG, 2011) or Documentation of Zimbabweans Process (Amit, 2011: 4). The significance of this ambiguity is discussed further below. For now, we can note that regardless of the name, the permit application process was considered an extension of the dispensation period introduced in 2009 that chiefly provided a moratorium on deportations (Amit, 2011). Undocumented Zimbabweans could apply for a work, study, or business permit under "relaxed requirements and shortened processes" if they could provide the core set of evidence: a valid Zimbabwean passport, proof of employment or registration at an educational institution or proof of running a business in South Africa (PMG, 2011). At the beginning of this process, it was required that applicants had arrived in South Africa before 1 May 2010; but reportedly this requirement was dropped during the implementation process (Amit, 2011: 5). There were significant difficulties in the process, particularly around applicants' ability to acquire a Zimbabwean passport within the short time frame. These challenges led to a relaxation of these requirements as a condition of submitting the application within the deadline (2011).[3] At this stage, 242,731 applications were approved, granting these Zimbabweans the legal right to reside and work, study, or conduct a business between September 2010 when the formal documentation began to be issued and an expiry date of December 2014 (HSF, 2022a: s.23). While records are somewhat unclear, it appears that this exemption did not have a standalone permit format but rather used the standard work, study, or business permits in applicants' passports. While the permits had a particular reference number identifying the permits as a DZP, the explicit criteria on the physical permits were standard conditions of specifying the work or other purpose for which it is granted and, "that the holder is not or does not become a prohibited or undesirable person" (see Figure 1).

[3] See (Amit, 2011; PMG, 2011) for a more detailed discussion of this process, including discussion of how requirements shifted, uneven implementation across different sites of application, and the inefficient, confusing, and extremely long application process.

Figure 1: Illustration of permit received under the DZP scheme

Control No. XXX DHA-XXX

DEPARTMENT: HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA
(Section 10 of Act No. 13 of 2002: Regulation 7)

WORK PERMIT

Ref No. XXX XXX/2010/DZP

Name XXX

Passport No. XXX

No. of Entries MULTIPLE Permit Expiry Date XXXX-XX-XX

Issued at HEAD OFFICE on XXXX-XX-XX

ILLUSTRATIVE

Conditions:

(1) That the holder is not or does not become a prohibited or undesirable person.
(2) TO CONDUCT WORK

XXX
for Director-General: Home Affairs

XXX

Source: Author's illustration based on privately provided example of the DZP permit[4]

Official DHA statements from this time suggest a humanitarian narrative, with a focus on documentation and regularization of Zimbabwean migrants to offer them more certainty and protection. At a United Nations High Commissioner for Refugees (UNHCR) ExCom meeting in 2010, then DHA Minister Nkosazana Dlamini-Zuma described the documentation of Zimbabweans as an opportunity to "live in dignity in South Africa and to end the misery of living under the cloud of uncertainty and vulnerability" (RSA, 2010b). She adds that the government is "inspired by the large volumes of Zimbabwean nationals" attempting to take up this opportunity (RSA, 2010b). Following this meeting, the South African government published a statement describing how the United Nations (UN) High Commissioner for Refugees, Antonio Gutteres "heaped praises" on the "generous policy" to document Zimbabweans living in the country "allowing so many Zimbabweans to find new opportunities in South Africa" (RSA, 2010c). This framing aligns with the 2011 Home Affairs Parliamentary

[4] No specifically labeled DZP was identified through an extensive online search and informal engagement with personally known ZEP holders. This illustration is based on a permit, ostensibly a typical general work permit, provided by a ZEP holder as the first permit received under the DZP dispensation. It has a DZP reference number, confirming it as a valid example of this permit. This, alongside the language used in the Parliamentary Portfolio Committee briefing by the DHA at the time, informs the argument that the original dispensation/documentation project in 2010/2011 effectively provided work, study, and business permits under relaxed requirements, and the physical permits followed this template rather than a new standalone permit with specific limitations listed.

Portfolio Committee briefing on the (at the time titled) "Zimbabwean Documentation Project," where then Director-General (DG) Mkuseli Apleni declared the project a success on the grounds that,

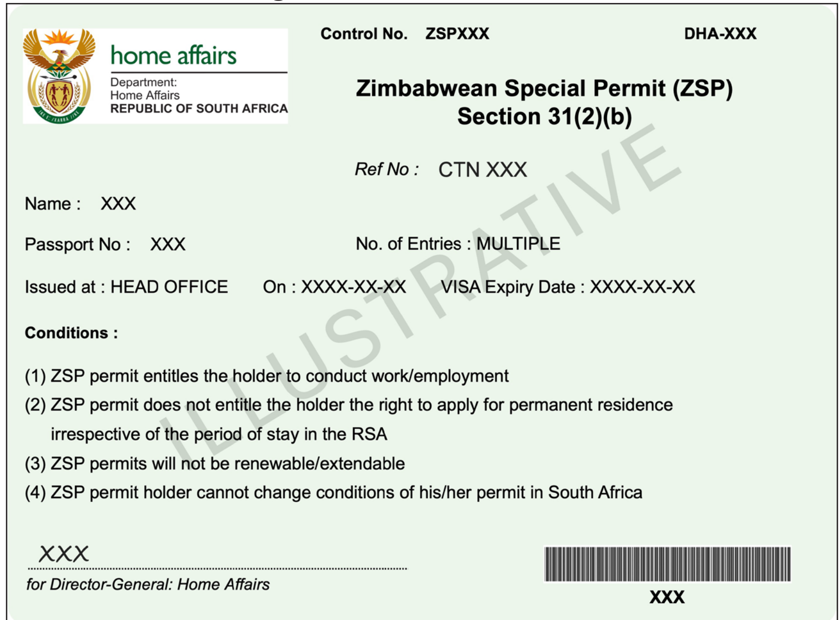
> … the main goal of the project was to provide rights to those Zimbabweans who had been employed in the country but were not granted protections due to their permit status. The people who had applied had gotten a chance at receiving fair treatment and at regularizing and legitimizing their stay in the country (PMG, 2011).

We should note here too, that in addition to the original dispensation permits not explicitly stating limiting conditions, the word "temporary" was completely absent from the early statement announcing the exemption by then DG, Mkuseli Apleni; instead, the emphasis is on regularization and documentation (RSA, 2010a).[5]

In August 2014, an announcement was made by the Minister of Home Affairs that the DZP would be replaced with the Zimbabwean Special Permit (ZSP) (HSF, 2022a: s25). Only existing DZP holders and those who had applied unsuccessfully and so remained on the system, were eligible to apply, and a new system run by an external provider was put in place (PMG, 2011). The use of a provider, Visa Facilitation Services (VFS) Global, followed a global pattern of outsourcing visa application processing and what has been termed the commercializing of the once public service of visa applications (Nehring and Hu, 2021). While the DZP application was free of charge, under VFS Global administration, the application fee now ranged between R800 and R1,350. At the time, the DHA indicated this removed cost from the department but failed to acknowledge that this cost was then shifted on to applicants (PMG, 2014). Additionally, the DHA did not directly engage with the question from an opposition party member on whether the "ZSP was designed to generate revenue for VFS," given how much revenue the handling fee would bring in (PMG, 2014). The requirements for the permit remained "a valid passport, proof of employment/proof of business registration, or, in the case of students, proof of registration from a learning institution" (PMG, 2014). In total, 197,790 ZSPs were granted with an expiry date of 31 December 2017 (HSF, 2022a: s27). At this stage, the permits received were in a new format that specifically labeled them as ZSPs, while also indicating whether they permitted work or study. Significantly, these permits included three explicit conditions in addition to the specification of work/study conditions. These were conditions that applied only to ZSP holders: the ZSP does not entitle the holder the right to apply for permanent residence, irrespective of the period of stay within South Africa; ZSPs will not be renewable or extendable; and ZSP holders cannot change conditions of their permit in South Africa (see Figure 2).

[5] See also the quotes in the HSF Founding Affidavit from a range of ministers across the period of exemptions that gesture toward Pan African solidarity, note the contributions to society, and express support toward neighboring Zimbabwe (2022b: s20–32).

Figure 2: Illustration of the ZSP


home affairs
Department:
Home Affairs
REPUBLIC OF SOUTH AFRICA

Control No. ZSPXXX DHA-XXX

Zimbabwean Special Permit (ZSP)
Section 31(2)(b)

Ref No : CTN XXX

Name : XXX

Passport No : XXX No. of Entries : MULTIPLE

Issued at : HEAD OFFICE On : XXXX-XX-XX VISA Expiry Date : XXXX-XX-XX

Conditions :

(1) ZSP permit entitles the holder to conduct work/employment
(2) ZSP permit does not entitle the holder the right to apply for permanent residence irrespective of the period of stay in the RSA
(3) ZSP permits will not be renewable/extendable
(4) ZSP permit holder cannot change conditions of his/her permit in South Africa

XXX
for Director-General: Home Affairs

XXX

ILLUSTRATIVE

Source: Author's illustration based on publicly available images of the ZSP (Washinyira, 2017).

Again, only a few months before expiry, the minister announced in September 2017 that the ZSP would be replaced with the Zimbabwean Exemption Permit (ZEP) (HSF, 2022a: s.29). The terms of this permit did not change, but a new permit format indicated the new name (see Figure 3). The introduction of a new permit required ZSP holders to apply again with proof of employment, business, or study, and a valid passport, through VFS Global with a fee of R1,090. At this stage, after many years in South Africa, an increasingly common barrier for many applicants was the requirement to have a valid Zimbabwean passport, which, apart from lengthy waiting periods, is a notoriously expensive thing to acquire, particularly from outside the country (Vigneswaran et al., 2010: 471; Mubaiwa, 2020; Chirume, 2024). The number of ZEP holders decreased again to approximately 178,000 (*Helen Suzman Foundation v Minister of Home Affairs 2023, s2*).

Figure 3: Illustration of the ZEP

Source: Author's illustration based on publicly available images of the ZEP (Washinyira, 2017).

The 2017 permits were due to expire on 31 December 2021. This time, the announcement was made even later, on 25 November 2021, just over a month before the expiry and over the festive season, where many intend to travel back to Zimbabwe to see family (Washinyira, 2021). It was here that the first notice of termination of the permits was announced, with a one-year grace period to regularize through another route. The decision was made "behind closed doors" with no public consultation (*Helen Suzman Foundation v Minister of Home Affairs 2023, s37*). The option to regularize through another route is extremely difficult, given numerous legal and practical barriers, including systematic backlogs, such that the granting of a visa or waiver was not reasonably possible within one year (HSF, 2022a: s12–13).

The minister who made the 2021 expiry decision, Aaron Motsoaledi, staunchly defended his decision via the media and in the courts (*Helen Suzman Foundation v Minister of Home Affairs 2023, s7*). The DHA's answering affidavit in the case used the word "temporary" seven times in just three short paragraphs and 28 times in total (DHA, 2022: s189–191). The "always" temporary nature of the permit is a core part of the DHA's argument that the department has done no wrong in terminating the exemption either in the decision itself or in failing to publicly consult on the decision. The extent of the shift in discourse is evident in the argument that the voluntary agreement of ZEP holders to a temporary scheme means that it "does not lie in the

mouth of the beneficiaries" of such a scheme to claim that removing it violates their rights (DHA, 2022: s191). The DHA answering affidavit also reveals a shift from South Africa's responsibility to provide protection to those living within its borders to an argument that Zimbabweans have a responsibility to return and contribute to Zimbabwe: "There was and is a need in Zimbabwe for its nationals to build a new and prosperous Zimbabwe" (DHA, 2022: s260).

The DHA minister has since changed to the Democratic Alliance's (DA's) Leon Schreiber as part of the post-2024 Government of National Unity.[6] Schreiber initially extended the permit, as required by the court rulings and established an Immigration Advisory Board to advise on the matter (among other immigration issues) (DHA, 2025). At the time of writing, following the legal engagements described in the section above, the ZEP is still in place with a further extension until May 2027, as per Regulation Gazette No.11893 (RSA, 2025). The court-mandated deadline for a new procedurally just decision of November 2025 was not met. Instead, in October 2025, an 18-month extension was granted with acknowledgment that "critical stakeholders will need to be part of a consultation process" (RSA, 2025). The future of ZEP holders thus remains uncertain. Nevertheless, regardless of the DHA's next step, some central facts are certain: the permit has granted legal residence and a right to work for approximately 15 years for ZEP holders without a path to permanency. This includes the ability for children to remain with permit holders via other visa routes, or in some cases, their right to South African citizenship (LHR, 2023).

CURRENT LEGAL AND ACADEMIC DISCOURSE

There is currently a fairly heated public debate on the case of ZEPs. While it has come in and out of focus over the years, the 2021 decision to end the exemption has raised the stakes and also the temperature of the debate. The contentious and often hostile nature of the debate was further exacerbated by the intense focus on immigration as an issue in the 2024 South African national elections (HRW, 2024). In this section, I continue the close reading of relevant court documents and public statements but focus on the arguments presented around the rights of ZEP holders. I supplement this with the lens of academic scholarship on ZEPs in order to highlight and analyze the key issues, values, and principles that are drawn upon both in favor of and in opposition to the decision to end the permits. While this section analyzes, in one respect, some of the key wrongs of the DHA's approach to the ZEPs, it also importantly delineates and highlights the relatively narrow scope of this discourse.

This section addresses four themes in the discourse: procedural justice, the role of original objectives and intention, temporariness, and voluntariness. In the section that follows, I build from these observations to highlight deeper democratic worries that the DHA's actions warrant.

[6] Note that this new "Government of National Unity" is distinct from South Africa's post-1994 Government of National Unity: it was formed among 11 parties following the 2024 national elections as a result of the failure of the African National Congress (ANC) to reach an outright majority and strategic framing of the need for coalition as an opportunity for cross-party unity (Beukes et al., 2024).

Procedural justice

The first and perhaps most prominent site of critical debate on the ZEP has been within the courts. Following the announcement that the permits would not be renewed, the Helen Suzman Foundation (HSF) took the lead in taking the DHA to court, resulting in the judgment in their favor in *Helen Suzman Foundation v Minister of Home Affairs and Others (Case 32323/2022)*.[7] The main focus of the legal arguments in this case were questions of procedural justice. The applicants argued that the Minister of Home Affairs had failed to embark on a fair and consultative process before making the decision: the process did not consult affected parties and did not demonstrate good cause for the decision made. In other words, it was argued to be "procedurally unfair and procedurally irrational" (HSF, 2022b: s12.1) in violation of the Promotion of Administrative Justice Act (3 of 2000) (PAJA). One of the key issues here was the PAJA provision that holds that "administrative action that materially and adversely affects an individual's rights or legitimate expectations must be procedurally fair" (*Helen Suzman Foundation v Minister of Home Affairs 2023, s49*). This includes adequate notice and a "reasonable opportunity to make representations" (HSF, 2022b: s49). Further, drawing on PAJA 4(1), where the administrative action "materially and adversely affects the rights of the public," an administrator "owes a duty of procedural fairness to the public at large" (*Helen Suzman Foundation v Minister of Home Affairs 2023, s50*). On the court's analysis, the DHA made no room for meaningful consultation in the decision-making process, allowing only after-the-fact representations and showing "notable disdain for the value of public participation" in their answering affidavit (*Helen Suzman Foundation v Minister of Home Affairs 2023, s75*). Significantly, the judgment goes on to elaborate that the DHA not only deemed ZEP holders not able to make representations on the merit of the decision itself (only to ask for exemptions to their own personal case), but "the views of civil society and the public are deemed unnecessary altogether" (*Helen Suzman Foundation v Minister of Home Affairs 2023, s75*). While the DHA consistently denied the charge of a failure to follow fair process, they were unable to provide evidence to support their claims that meaningful opportunity for representations had been created—mostly because even where there was some small level of engagement with those affected, it happened after the decision had been made and firmly communicated as unchangeable (*Helen Suzman Foundation v Minister of Home Affairs 2023, s79*). Ultimately, the court ruled that the Minister of Home Affairs had to reconsider the decision in a fair process in line with the Act and refused special leave to appeal.

This aspect of the debate is about the legality of procedure. However, the question of procedure is not just about processes themselves but an issue of how procedure impacts on the justice of an outcome, and the justice of how individuals and groups are treated by the administration of the state. These are both central

[7] Two other cases were heard alongside this: *Zimbabwean Immigration Federation v Minister of Home Affairs* that introduced similar arguments to HSF, and *African Amity and Twenty-Nine Others v Minister of Home Affairs and Two Others* which, differing from the others, sought relief in the form of permanent residence. The focus here is on the HSF case, both because of its success and the availability of all relevant court documents.

questions of democratic governance and, importantly, grounded in constitutional rights available to "everyone" (RSA, 1996: Ch2, s33). Indeed, in an analysis of the ZEP processes, Shingirai Nyakabawu (2021) argues that the application processes amount to "legal violence." This violence is experienced through forced waiting—both physically in queues that were unsafe, and in waiting for adjudication where one's legal status was unstable, resulting in job insecurity and an inability to plan (Nyakabawu, 2022). Such waiting, for example, resulted in exclusion, not just from private institutions but in particular from the state—from teachers not being paid for marking Grade 12 examination scripts, to children being denied schooling, and traffic departments refusing licensing (Nyakabawu, 2021, 2022). Nyakabawu uses the lens of legal liminality to argue that the process of the ZEP applications, and particularly extended periods of waiting, resulted in an instability of status between "tentative lawfulness and more complete marginalization": they experience "inclusive exclusion" (2021: 4). This critique centers on process; while it relates to the discussion below on temporariness, it argues in particular that it was the repeated extensions and reapplications that shifted the permit from being empowering to exclusionary (Nyakabawu, 2021: 4).

Original objectives of the exemption permit

In its answering affidavit, the DHA outlines the key objectives of the exemption permit and draws our attention to the political aims behind the policymaking. The original permits, the "Dispensation of Zimbabweans Project" (DZP), aimed to regularize Zimbabweans living in South Africa illegally, curb the deportation of such Zimbabwean migrants, and provide amnesty to Zimbabweans who had obtained documents fraudulently (DHA, 2022: s105). A fourth reason is also provided, one that is often considered the most pressing, even by the DHA: to reduce pressure on the asylum seeker and refugee management systems (DHA, 2022: s105.3 and s119). Underlying these objectives is also an implicit claim that the permit intended to respond to a very particular crisis moment—"profound political instability in Zimbabwe, and a rare hyperinflation crisis," which has now passed (DHA, 2022: s261).

The court documents point to a factual disagreement on the socio-politico-economic conditions within Zimbabwe at the point of expiry and so a disagreement as to the impact on ZEP holders of effectively requiring them to return to Zimbabwe (*Helen Suzman Foundation v Minister of Home Affairs 2023, s88–89*). There is not space here to chart the levels of political (in)stability in Zimbabwe over 16 years since the permit was first announced; but suffice to say that while levels of political stability have fluctuated over the years, the overall levels of poverty and political oppression remain significant. In terms of current political stability justifying the expiration of the visa, the DHA has not offered clear evidence or argument as to a meaningful difference between the different decision points of 2014, 2017, and 2021. Perhaps more interesting for the discussions here, the DHA's attitude on this issue is in tension with its strong emphasis on the salience of the original intention of the permit. The

DHA both wishes to argue that the conditions have changed significantly such as to shape the appropriate decision on the renewal of the permit. At the same time, it rejects arguments that highlight how time has changed other relevant features, such as the establishment of lives, families, and careers in South Africa, or the democratic arguments to follow.

In discussing guest worker programs, Carens comments on the evolution of European guest worker programs of the 1950s and 1960s into more permanent statuses: despite being admitted under terms that limited rights and foresaw their departure, "as time passed, European states acknowledged that the original terms of admission were simply no longer relevant and could not be enforced" (Carens, 2008: 419). Olsthoorn (2024: 8) describes this as the "acquisition model" of justice for denizens: that over time, through the meeting of some objective criteria such as those of fair play, denizens gain moral rights. As Maziyanhanga and Majavu (2023) emphasize, this case should draw upon Carens' argument that "the longer you stay, the stronger the claim to remain" (Carens, 2008: 422). This fairly uncontroversial principle in moral and political theory—that time can change our obligations—undermines the DHA's steadfast insistence that the original intentions of the exemption program remain the most salient ethical consideration. The judgment in the ZEP case draws upon this kind of reasoning, establishing as common cause between the parties that "as a consequence of being granted these permits, ZEP holders have established lives, families, and careers in South Africa" and that putting these at jeopardy has profound consequences for ZEP holders (*Helen Suzman Foundation v Minister of Home Affairs 2023, s5*). These consequences of time deeply shape the costs of losing the right to live and work in South Africa and so, should be a key consideration in the ethics of terminating the permit and in the process in which this termination is decided and implemented (Helen Suzman Foundation v Minister of Home Affairs, 2023).

I turn now to the first three objectives laid out in the answering affidavit—to regularize Zimbabweans living in South Africa illegally, curb the deportation of such Zimbabwean migrants, and provide amnesty to Zimbabweans who had obtained documents fraudulently. These objectives are ostensibly oriented toward assisting Zimbabweans and resonating with the DHA's public narrative at the start of the exemption, as detailed above. Recall too, that the original dispensation lowered some requirements for work, study, and business visas and used the same physical template so that these original permits did not include the later explicit limiting conditions written on the ZSPs and ZEPs, and the official statement on the introduction of the dispensation did not mention the word "temporary" at all. Attention to these objectives reveals not only a shift in discourse over time but a tension within the answering affidavit, setting out, on the one hand, these clearly long-term and permanent aims, such as regularization and amnesty, and on the other hand, a firm insistence that the intention for these permits was always that they would be temporary. There is clearly then a shift in political language around the permits indicative of a changing attitude to policy.

The fourth objective, a more pragmatic response to an overworked system, introduces a different framing of the permits but again reveals a tension between the DHA's actions and claims of an intentional temporary scheme. The department describes the asylum management system at the time (which was around 2008 and 2009) as "flooded" and, importantly, identifies the issue as the "unprecedented influx of Zimbabwean applicants, most of whom were ineligible for asylum as they were economic migrants" (DHA, 2022: s119).[8] It is unclear how the department can determine that the majority were economic migrants given the applications were, on their description, not getting to the front of the queue to be assessed, and later in the same affidavit are framed as a response to the 2008 humanitarian crisis (DHA, 2022: s176.4). On the department's own admission, on a retrospective view, the DZP scheme was not successful on its own terms—while there were approximately 1.5 million undocumented Zimbabweans in South Africa at the time, fewer than 20% sought to regularize their stay through the DZP (DHA, 2022: s118). While not discussed in this answering affidavit, presumably this lies largely in the fact that many Zimbabweans had fled in crisis and so were more appropriately dealt with as asylum seekers—not those who could provide proof of work, study, or business ownership.[9]

The framing of the policy as about regularization and documentation suggests that while the permits had a clear expiry date, the solution as a whole was not intended to be temporary but to lead to the long-term regularization of Zimbabwean migrants in South Africa—or, at a minimum, this could have been the reasonable interpretation of an applicant at the time. While it was clear in the conditions of the later ZSPs and ZEPs that permit years of residency were not a route to permanent residency, it is not clear that this was explicit in the case of permits acquired during the DZP era. Importantly, it was this original decision to apply for a permit under the DZP that moved Zimbabweans into the exemption track and precluded asylum status or other routes to documentation. In addition, the focus on documentation and regularization, and the repeated extensions via new permit schemes in practice obscured any message that this was a short-term temporary status. In action, a commitment to an intention for the permit to be temporary would have required the DHA to act within the four years of the first DZP to capacitate the overwhelmed refugee and asylum system and provide a clear application path for permanency. Instead, the DHA relied on repeated, temporary, and ad hoc solutions for an extended period without developing a regularization plan or capacitating in order to implement it. This approach undermines the veracity of the claim that we should hold tightly onto the proclaimed initial intention of the program as morally salient. With this lens, the temporariness appears not to be intentional but rather a failure to enable a more viable solution. It is these failures that have framed the ZEP as a case of "permanent temporariness" (Carciotto, 2018) and prompted the arguments

[8] Significantly, the DHA now offers the same reasoning for the introduction of the Lesotho Special Permit some years later in 2015 (DHA, 2023); although, as with the ZEP, the reasoning presented in 2015 is different (DHA, 2015).

[9] See also Amit's discussion on other barriers to application, including possession of a passport and lack of clarity around the process (2011).

discussed below, that this permanent temporariness is both unjust and can be viewed as politically intentional.

Temporariness

Even if we take the more inclusive framing of 2009/2010 that seeks to regularize and save Zimbabweans from "living under the cloud of uncertainty and vulnerability," scholars argue that the fact of temporariness is aimed at exclusion despite the voiced inclusionary view (Moyo, 2018). Moyo argues against the ad hoc and ahistorical nature of the ZEP process (2018). On this view, the fact that those impacted are Zimbabweans is of salience: Moyo argues that the question of migration between Zimbabwe and South Africa has to be discussed in the context of a long history of movement and contiguous borderlands between these two regions (Moyo, 2018: 1142). While not emphasized by Moyo, we can also note here the amnesties of the 1990s offered, under certain conditions, to mineworkers and later more broadly to Southern African Development Community (SADC) citizens who had arrived in South Africa without authorization (Crush and Williams, 1999; Klaaren, 2001: 16). These amnesties would have included Zimbabweans and highlight the more welcoming and residence-based approach to citizenship in the early post-apartheid years (Klaaren, 2010; Hobden, 2020). The importance of the relationship between South Africa and Zimbabwe—the historic migration between regions and the colonial imposition of the border between them—is reinforced too by the SADC integration project that, Moyo argues, aims to permit free movement of people and to ultimately result in the elimination of borders (2018: 1142). While such an aim is clearly currently some way off implementation, Moyo's point stands that South African migration policy with regards to Zimbabwe is embedded in a particular historical context and, the argument implies, the historical and regional context motivate for more welcoming policy.[10]

Writing before the announced decision not to extend the ZEP further, Moyo targets the policy itself rather than the way it was ended. In doing that, he contends that the use of "ad hoc policies" like the DZP, ZSP, and ZEP to deal with migration is a serious indictment of the region's commitment to meaningful integration (2018: 1154). Implicit too, is the argument that it undermines a strategy of integration that is decolonial insofar as integration rejects colonial boundaries and logics of exclusion.[11] Through interviews with ZEP holders, he builds an argument that the ZEP is a case of "humanitarian logic"—logic that appears humanitarian on the surface but in fact works toward exclusion: while the permits appear to open a new opportunity for documentation, Moyo argues that they were set up to ensure that ultimately, those receiving the permits would have to return to their country of origin (2018: 1149). On this view, the framing of Zimbabwean migrants as "temporary sojourners" seeks to

[10] We can note here the relevant similarities in context with the Lesotho Exemption Permit.

[11] See Achiume and Last (2021) for a wider argument on the tensions between decolonial aims, SADC's foundation and goals, and migration policy and practice in the region.

exclude by virtue of depoliticization and invisibilisation (2018: 1151). In other words, the ad hoc and temporary solution, over these many years, attempted to take the issue off the political table and the individuals out of the formal processes of documentation.

Building from the argument presented by Moyo (2018), Maziyanhanga and Majavu (2023) critique the Zimbabwean exemption regime on the grounds of its indefinite temporariness, arguing that it is "not only undemocratic but … colonial" (2023: 6). Drawing heavily from Carens (2013), they argue that long-term migrants have a right to participate in forming the rules that govern them, and as such, immigration policies that exclude long-term migrants from access to permanent residence and citizenship are unjust (Maziyanhanga and Majavu, 2023: 6). Drawing also from arguments in Hobden's "Shrinking South Africa" (2020), the paper links the ZEP to wider issues of access to citizenship in South Africa, with a particular emphasis on access for African migrants (Maziyanhanga and Majavu, 2023: 5). Both Moyo (2018) and Maziyanhanga and Majavu (2023) draw from analogies to temporary workers and migrant workers. There is extensive literature on the ethics of temporary worker programs and guest worker visas.[12] From a normative perspective, scholars of migration have identified such temporary labor migration programs as a dilemma between questions of domestic democratic justice and global justice—the so-called "rights versus numbers trade-off" (Olsthoorn, 2024: 5). The programs offer work opportunities across national boundaries, which can provide essential income for communities in low-income countries, yet the programs also create, as in the case of the ZEP, unequal rights protections between temporary workers, other forms of migrants, and citizens. While it is true that Carens (2008: 422) presents a convincing case for "the longer you stay, the stronger the claim to remain," he, alongside others, does not rule out the permissibility of temporary visas purely on the basis of their temporariness. Normative scholars have focused too on the kinds of worker rights and democratic representation required to justify such programs (Bauböck and Ruhs, 2022; Bloks and Häuser, 2024; Matamoros, 2025). While I do not engage within this debate here, we can note that there are arguably justified and democratically legitimate ways to facilitate temporary residence and temporary labor programs. This is the case even while it is clear, as Maziyanhanga and Majavu (2023) argue, that migrant labor policies employed by the apartheid regime were exploitative and unjust, and this legacy makes it harder to create the conditions for a just, temporary worker scheme in South Africa (Achiume and Last, 2021).

The DHA has sought to characterize ZEP holders as voluntarily agreeing to the terms of the permits in this way, thus presenting a narrative of voluntary, temporary migration (again revealing the DHA's shifting messaging on the humanitarian crisis versus voluntary economic migration). To be sure, the ZEP did require evidence of employment, study, or business ownership and an application, but the starting narrative of regularization and documentation for the undocumented situates

[12] See, for example, the recent CRISPP special issue on "Justice for Denizens" and particularly the introduction that offers a conceptual map of this debate (Olsthoorn, 2024).

ZEP holders as much more akin to refugees or asylum seekers than temporary workers. While many ZEP holders are employed in South Africa, this was not the original purpose of the exemption, and they were not actively encouraged to come work in South Africa, as is the case in many guest worker programs. Indeed, the original exemption was explicitly introduced to ease the asylum-seeker system that was buckling under the numbers of Zimbabweans seeking asylum in the period between 2004 and 2008. Both Moyo's (2018) and Maziyanhanga and Majavu's (2023) contributions focus on the injustices within the temporariness of this situation. Here, I add to this through drawing attention to the second important element of this claim of the DHA—the voluntary nature of taking up a ZEP.

Voluntariness

The department argues that "all ZEP holders were forewarned that the regime would come to an end at some point in the future" as a condition of the permit (DHA, 2022: s189). Not only this, but the ZEP holders accepted this condition and did not challenge it at the time (DHA, 2022: s189). The argument then is that the permit was "*always* temporary" and ZEP applicants agreed to the conditions of the permit, including this temporariness, when they applied (DHA, 2022: s191). In court documents, the DHA is at pains to highlight that not that many of the Zimbabwean migrants in the country at the time applied for the exemption—and this, it implies, adds to the claim of voluntariness—one did not have to apply, but chose to apply. There is no critical reflection however on the situation faced by undocumented individuals facing extensive delays in the refugee application process (and the associated costs of this) and the short-term but significant benefit of a legal right to work. The threat of deportation was also real at this time, given that the South African government had deported over 400,000 Zimbabweans in the previous five years (Nyakabawu, 2021: 2) and formally the 2009 dispensation that put a moratorium on deportations came to an end in May 2010 (PMG, 2011). There was not, at the time, full understanding of how the policy would unfold – as evidenced by the fact that the government itself clearly did not have a clear path in mind. For some, there was a dilemma between staying within the refugee and asylum system with no surety of when their case would be settled, or having three-year documentation within six months, with one application process.

Those who received a DZP were also free to return to Zimbabwe and then re-enter South Africa, whereas those on asylum permits were not permitted to do so—this, too, provided an incentive to make use of the DZP scheme (Nyakabawu, 2021: 11). The closer look at the original DZP process above also casts doubt on the DHA's assertion that the temporariness of the scheme was clearly communicated: the physical permits themselves did not indicate that they preclude ever attaining permanent residence; the narrative around the project was one of documentation and regularization; and the application process was characterized by confusion, shifting criteria, and uneven implementation across different application sites. While

it cannot be established with certainty here, there is at least large room for doubt that applicants can be seen to have freely and with full information consented to their stay in South Africa to remain temporary permanently.

In this legal argument around voluntariness and temporariness, the focus of the DHA is on the implication that if it is a violation of rights to remove the ability to legally remain in South Africa at this point, then it will never be permissible to do so (DHA, 2022: s192 & s22). With this implication in mind, the department contends that the HSF is in fact arguing for permanent residence even if they deny this in their arguments. On the department's reading,

> HSF appears to contend that since ZEP holders have lived and worked in the country for a decade and because their previous permits were renewed from time to time, this confers on ZEP holders a substantive legitimate expectation that their exemption permits will be renewed in perpetuity (DHA, 2022: s26).

It is assumed that this is not a reasonable argument to make, and further, that this is not a decision a court can make as it would "amount to an egregious breach of separation of powers" (DHA, 2022: s194). While it is not the argument made by the HSF, the discussion in the following section challenges the DHA's contention that this is an unreasonable analysis of the situation.

In this section, I analyzed current legal and academic discourse on the ZEP process and argued that there is a focus on procedural justice, the objectives of the permit, temporariness, and voluntariness. This analysis is valuable but remains incomplete. The following section responds to this gap through applying a democratic citizenship theory lens to the Zimbabwean exemption process. I argue that this lens reveals a concerning lack of commitment to democratic principles that harms both ZEP holders and the South African democratic project itself.

DEMOCRATIC CITIZENSHIP ETHICS

This section argues that the DHA's attitude and actions in the ZEP process undermine the South African state's commitment to building a robust democracy rooted in the political equality of citizens and constitutionally protected rights for all residing within South Africa. This position is similar to a widely held yet contested view in the literature, that follows Walzer's (1983) claim that the permanent temporariness of guest workers is not compatible with democratic politics. While this position is increasingly contested, the case of the ZEP is sufficiently different from the context of guest workers that the issue of democratic legitimacy and its core value of political equality remains a key concern.[13] The above discussion has already touched on some aspects of democratic citizenship ethics: the way a decision-making or

[13] For example, views that external citizenship protects temporary workers from domination and provides social respect are significantly weakened in the case of a very weak external citizenship and the significant length of time living in the host country (Bloks and Häuser, 2024).

implementation process can affect the justness of how individuals are treated by a democratic government, a democratic government's responsibility to consider consistency between its internal policies and external commitments, and the question of what qualifies as meaningful political agency (and so consent) for those under the governance of a state. A more focused lens of democratic citizenship moves these arguments from a critique of the ZEP to the stronger claim that this kind of legal residency over time creates a claim to permanency. The DHA's (and often general public's) denial of this claim undermines our commitment to important features of the liberal democratic project as set out in the introduction: the ability to plan and live a life according to one's conception of the good, political representation, and political equality.

The ability to plan and live a life according to one's conception of the good

One of the key justifications for the liberal democratic state is that it provides a way for people with differing conceptions of the good—with different religions, priorities, ways of life—to live together, both safely and with the ability to live their lives according to these conceptions of the good (Rawls, 1999; Hobden, 2021). In addition to the protection of basic rights and freedoms, it is essential to have some form of stability to build a life in line with your own conception of the good. Many life plans, such as having children, building community, developing advocacy around an issue you care about, and building a career are undermined by conditions of precarity. ZEP holders have not just been threatened with the disruption of a settled life and enforced relocation after 15 years (for some children, their whole lives), but in addition have experienced a harm in the long-term uncertainty in how the DHA has handled the exemption though ad hoc decision-making and surprise, close-to-expiry announcements on the future of the permit. In particular, the current uncertainty around the non-renewal of the permits has placed ZEP holders in limbo since the announcement in 2021. While ZEP holders are not themselves citizens, recognizing that one of the purposes of democracy is to enable this ability to plan a life in line with one's conception of the good is revealing: a commitment to this democratic value would preclude willfully excluding long-term legal residents within our borders from this good.

The right to political representation

A second foundational democratic principle is that of political representation: that those who are governed have a say in the rules that will govern them (Walzer, 1983; Hobden, 2021). On a democratic account, this representation plays a key role in justifying both the power of the state to limit individuals' freedom and the individuals' obligations to obey the state's laws and tax systems. ZEP holders are long-term legal residents yet have not been able to participate in formal democratic processes nor pursue a route to do so. They are nevertheless held accountable to the same political

obligation as the South African citizens among whom they live: obeying the full extent of the law and paying taxes. By virtue of the criteria for the ZEP, aside from those in full-time study, ZEP holders are employed or running a business, thus paying income tax as well as VAT. Many are working within and contributing to public institutions like state schools and hospitals. To be sure, some measure of "contribution" is not required to have a right to political representation, but it does point to the likelihood of permit holders taking up this right and the related responsibilities of naturalization should they be available to them. It highlights, too, the government's willingness to maintain a class of effective "denizens" or second-class citizens without political representation over an extended period of time. Taking responsibility for the democratic power of the state requires an unwavering commitment to ensuring that those governed in the long term have access to hold those in power to account. A failure to even identify this as a concern highlights how little the DHA prioritizes this democratic value.

Political equality

There are many ways and circumstances in which rights differentiation can be justified while still upholding the core democratic value of political equality. As Sharp (2025) argues, however, there is an important role for liberal democratic citizenship in publicly conferring an equal set of core rights such that it conveys an equal status (in a way an individualized package of rights would not be able to accessibly convey). The concern is that significantly different sets of rights between groups who live together in the long term undermine both the excluded persons' sense of themselves as political equals in this community, and also undermine the overall fact of political equality within the state, impacting existing citizens, too. ZEP holders live and work among South African citizens and engage with them in the public sphere but are permanently excluded from permanent residence or political representation and so publicly have fewer rights over the long term. While there is some debate over whether justice requires a path to full rights in the literature on guest workers and temporary labor programs, those who argue that access to full citizenship is not required, rely heavily on the real terms of strict temporariness (cf., for example, Matamoros, 2025: 97) or the rights protections of their source state (Bloks and Häuser, 2024). In the case of the ZEP, the long-term nature of their stay in combination with the precarious conditions in their source state work against these arguments. This clear normative conclusion, that long-term political rights differentiation undermines political equality, is in stark contrast to the DHA's indignance that the idea of permanent residence could even be put on the table for ZEP holders (DHA, 2022). Not only does the creation of long-term denizens show little concern for political representation as argued above, but it also fails to recognize the value of political equality and the wider ramifications for South African democracy of further exacerbating already entrenched political inequality.

DEMOCRATIC GOVERNANCE

The above discussion highlights that the DHA's approach to the ZEP process has given little to no consideration to key issues of democratic citizenship: political representation, political equality, and the ability to plan one's life according to one's conception of the good. Not only does this undermine the rights of the ZEP holders but signals a worrying disregard for the substance of democratic citizenship and the transformative commitments of the South African Constitution (RSA, 1996), to which South African citizens would do well to pay attention. Beyond this political caution, the story of the ZEP highlights that a state's approach to managing their borders impacts the state's own democratic project. Of course, from some perspectives, this resonates with familiar rhetoric around the need to protect the cultural homogeneity of a citizenry that is at risk from migration. Here, the point is importantly different: the nature of how this case has been handled by the government harmed not only the ZEP holders themselves but also undermined the government's commitment to key principles of democracy in both its actions and communication.[14]

Beyond the ideology that could be informing the approach, practical issues played an important role in shaping this outcome and its related impact on our democracy: from ad hoc decision-making, short time frames, poor communication along with shifting messages, and failure to provide opportunity for consultations. This means that separate to our considerations around the underlying agendas in the DHA's behavior, this case highlights how practical governance choices and failures can have a deep impact, not just on those they directly govern but on the health of our democracy as a whole. The analysis above illustrates how, for example, delays and poor communication lead to extended uncertainty, which undermines the ability to plan a life, an important democratic value. These delays and poor communication could just be a result of a failure to prioritize the issue or incompetence, yet they have a substantive impact. Similarly, the fact that these exemption permits began as a crisis management but did not transition into a long-term plan was not necessarily an intentional strategy. Yet the failure to proactively engage with a follow-up plan for the future of the permits has nevertheless created this permanent temporariness with the associated lack of political representation and political inequality. The failure to consistently and proactively follow a strategy could also be a feature of what Klaaren suggests is "the unsettled state of the executive branch of the state with respect to contemporary understanding of South African citizenship" (2017: 213). His discussion centers on legal action around the provision of social grants to permanent residents, yet its idea of "bureaucratic contestation" or inconsistencies indicating not just poor long-term management but a deeper uncertainty around the nature of South African citizenship offers a further lens on the underlying barriers to consistent, fair, and principle-informed policy and implementation (2017: 213).

[14] This argument follows a similar logic to Klaaren's warning that "South Africans concerned to fulfil the Constitution's ever-changing promise of transformation should resist the invitation to allow most refugees a second-class citizenship only and should instead explore diverse ways to include refugees in this open and democratic society at the southern end of Africa" (2017: 219).

The concern around an unsettled and contested understanding of citizenship is exacerbated by the arguable executive overreach in this process. This follows a pattern of the DHA creating and enforcing rules that it does not have the democratic or legal mandate to do. Relevant examples include the cases of the regulations of both the Citizenship Act and the Refugees Act that are arguably stricter than the provisions of the Acts themselves (Hobden, 2020).[15] In this particular case, it can be argued that the Minister of Home Affairs has overreached by effectively overruling legislation and regulations on permanent residence through a clause in an exemption permit. While in practice, and in almost all other respects, the ZEP is the kind of legal residence that should lead to permanent residence, this is precluded purely through the condition attached to the exemption. While legislation and regulations have specific public consultation processes, the development of a standalone permit is an internal DHA process that does not. This discretion at the executive level leaves such processes without democratic scrutiny through public representatives in parliament or a public consultation process. The DHA has argued that these permits were voluntarily taken up; yet their shifting narratives and limited communication to holders undermine the legitimacy of the view that these permits can be seen as a free agreement with shared expectations. From a governance perspective, this highlights the extent to which process is not just a side issue of implementation but reflects (or fails to reflect) commitment to key democratic values such as political equality and representation. In responding to crisis migration situations, process concerns may not be high on the agenda, yet the ZEP case shows their impact and the importance of having principles of democratic citizenship at the forefront, even in cases of temporary crisis response.

CONCLUSION

This article presents an analysis that goes beyond the immediate protections of ZEP holders as they face the DHA's attempt to terminate the ZEP program. With the tools of political theory and the lens of democratic citizenship ethics and governance, it argues that a commitment to democratic principles grounds a responsibility to provide much more to ZEP holders—not just the right to stay on their current terms, but access to political representation and political equality in the form of permanent residence that can lead to naturalization as a South African citizen. Given the current climate of hostility toward foreign nationals, this may seem an impractical addition to the discourse—too far out of reach to be of value. The article invites us, however, to use this analysis to notice not just what the normative ideal is, but what it shows us about how the ZEP process has failed to illustrate commitment to democratic values and a substantive meaning of democratic citizenship. The substance of South African citizenship, its values, protections, and rights, are defined not just by how the state treats its existing citizens, but in how the state approaches access to this citizenship

[15] Note this is different to, yet exacerbated by, overreach in implementation, such as border officials illegally denying transit visas to asylum seekers (Vigneswaran et al., 2010: 473) or refugee reception centers "withholding crucial information from applicants" (2010: 476).

and protections of its key values of political equality and political representation for those who live in the long term, together, cooperating for mutual benefit under the laws of the land.

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