



Refugee Digest 78

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Migrants, Refugees and Displaced Persons

The horrific fire in a Johannesburg building that killed 76 people at the end of August, and which was widely understood to be the worst residential fire in South African history, also provided the trigger for a torrent of xenophobic sentiment. The dominant narrative revolved around illegal foreign nationals being in different ways responsible for the fire. Thus the issue became less about the neglect of buildings, failures of safety regulations, and dire corruption, and instead became solely focussed on who occupied the space.

<https://www.sowetanlive.co.za/opinion/columnists/2023-09-06-malaika-mahlatsi-new-thinking-needed-for-housing-crisis/>

<https://www.enca.com/opinion/joburg-fire-foundation-human-rights-calls-humanity>

<https://tinyurl.com/2p9yf2ma>

The Minister in the Presidency, Ms Khumbudzo Ntshavheni, in a very unfortunate and ill-informed statement after the fire, and even before any identities and thus nationalities had been established, made this comment: “The majority of the people who stay or reside in hijacked buildings are not South African and they are not in this country legally. The government cannot provide housing to illegal immigrants.” This gave a measure of protection for further scapegoating and xenophobic utterances.

<https://www.polity.org.za/article/joburg-fire-it-is-not-governments-responsibility-to-provide-housing-to-illegal-immigrants-ntshavheni-2023-08-31>

<https://www.timeslive.co.za/politics/2023-08-31-majority-of-people-living-in-hijacked-buildings-are-not-south-africans-says-ntshavheni/>

In a further unfortunate statement, Minister Ntshavheni blamed the courts for allowing illegal migrants into the country. She claimed that the law and the courts were failing to protect the borders, and also blamed NGOs which litigated against government’s attempts to rid the city of such occupants.

<https://www.iol.co.za/news/south-africa/gauteng/joburg-cbd-fire-presidency-minister-lashes-courts-for-blocking-deportation-of-illegal-immigrants-080328da-fd2e-4923-9662-f40a26c06646>

<https://www.iol.co.za/news/south-africa/gauteng/joburg-cbd-fire-presidency-minister-lashes-courts-for-blocking-deportation-of-illegal-immigrants-080328da-fd2e-4923-9662-f40a26c06646>

City of Johannesburg officials then followed suit and attached blame to ‘illegal foreign nationals’. Together with the Minister’s utterances, this language became the dominant discourse. With South Africa’s tendency towards xenophobic violence, this is a dangerous narrative to have in the public domain.

<https://www.dailymaverick.co.za/article/2023-08-31-city-of-johannesburg-points-finger-at-ngos-and-foreign-nationals-after-deadly-fire/>

Predictably, some political parties have piggy-backed on this negative rhetoric. The Patriotic Alliance is one such party.

<https://www.iol.co.za/news/politics/illegal-foreigners-must-go-home-this-is-not-home-gayton-mckenzie-calls-for-deportation-of-illegal-immigrants-00dcb883-fe53-41a3-85fb-8da8d5a6c2d7>

It is not surprising, then, that such sentiments and actions also find local expression. Reports from Limpopo mention foreign nationals being accused of witchcraft and strange practices and criminal activity, and communities have chased foreign nationals out of villages.

<https://www.sabcnews.com/sabcnews/community-members-in-limpopo-chase-out-foreigners-accuse-them-of-witchcraft/>

Also of interest recently, the Courts have held that children born to foreigners in South Africa do not automatically acquire South African citizenship. In one case the father of the children born in South Africa is in the country on a work visa. The Court held that the children are heirs to Zimbabwean citizenship.

<https://www.iol.co.za/pretoria-news/news/children-born-in-south-africa-to-foreign-parents-not-automatically-entitled-to-sa-citizenship-says-court-e841a847-3bb8-4b42-a8ce-4c6b5a408e9f>

The Helen Suzman Foundation has taken Minister Aaron Motsoaledi and the Department of Home Affairs to court seeking to halt the arrests and 'mass deportation' of ZEP holders while the Minister appeals the judgment which held that the refusal to renew the validity of the ZEPs was unconstitutional, unlawful and invalid.

<https://www.news24.com/news24/southafrica/news/helen-suzman-foundation-rushes-to-court-to-stop-arrests-deportation-of-zep-holders-20230905>

<https://www.iol.co.za/the-star/news/mass-deportation-of-illegal-immigrants-opposed-8c307b57-087d-4dbb-a36d-93429e5cdd7a>

Towards the end of August the German Parliament approved a new raft of legislation in the immigration field. The new laws provide an extension of legal safe routes for immigrants towards citizenship in Germany, various processes are streamlined, and requirements are made less burdensome. Despite the anti-immigrant sentiment in Germany, the government had enough political resolve to see this through. Whatever shortcomings are present in the legislation it nonetheless provides a useful paradigm to begin thinking around this contested issue.

<https://abcnews.go.com/Business/wireStory/germany-moving-forward-plan-ease-citizenship-rules-seeks-102477588>

<https://travelobiz.com/germanys-new-citizenship-law-10-key-changes-and-their-impact/>

<https://www.reuters.com/world/europe/germanys-far-right-rides-high-anti-immigration-anti-green-agenda-2023-06-07/>

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