

'Illegal' workseekers: urgent issue for labour



Pavement shoemaker, tailor: Ghanaian in Jo'burg

Report by ASHWIN DESAI

Illegal immigration into South Africa poses a severe threat to South African jobs. Yet South Africa cannot afford to simply send away people who came from countries – like those in southern Africa and India – that have provided steadfast support for its liberation struggle. Also many 'illegals' have laboured in South Africa for a lengthy period and have long cut themselves off from their countries of origin. It is a matter the union movement, which is at the cutting edge of this issue, needs to address with urgency.

Over the last few years South Africa has attracted an increasing number of illegal immigrants, forcing a concerted police crackdown. Between January 1992 and August 1993 police arrested and deported some 140 000 citizens of neighbouring countries.

Figures released by the Department of Home Affairs reveal that of those repatriated, 105 960 were from Mozambique, 19 307 from Zimbabwe and 9 149 from Lesotho. Police figures estimate that there are a million

illegal immigrants living on the Reef. The recent clampdown has therefore not had a significant impact.

A spokesman for the SAP Aliens Control Unit compared their efforts to "pouring water through a sieve".

Illegals from the Indian sub-continent represent the latest wave of immigrants.

A Sunday newspaper investigation earlier this year revealed that these Asian aliens were brought into the country by recruiting agencies in Pakistan and India. Potential workers were told that South African businesspersons were looking for non-unionised workers. The workseekers then paid a sum of between R1 200 and R2 400 to secure the necessary documentation. Although the workers were promised salaries of R2 000 per month they found out that their salaries actually ranged from R400 to R1 000.

These 'illegals' have begun to make their presence felt in the Durban city centre as street vendors and salespersons in Indian owned shops.

It has been claimed that many of the illegal entrants have received support from MPs in the House of Delegates (HOD).

An in-house investigation by the Department

of Home Affairs has produced startling information of officials involved in a scam to procure work permits for Indians and Pakistanis. A department official appeared in court in September 1993 in this regard.

Immigration control

In October this year the government announced more stringent selection criteria for prospective immigrants.

The new policies encourage immigration from wealthy Westerners and those with skills that are scarce in South Africa. Alongside this, labour migrants from Africa, many with long work histories in the country, are facing a clampdown. Illegal Asian and East European illegal immigrants have not faced any concerted clampdown.

Of the Africans, it is the Mozambicans who have borne the brunt of state policing. Yet they are the ones who most clearly qualify for refugee status. A 1951 international convention defined refugees as "persons who are outside their country because of a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion." Social scientists Zucker and Zucker differentiate clearly between the three categories of immigrant, refugee and illegal.

"Both the immigrant and the illegal migrant are drawn to the country. The refugee is not drawn, but driven; he seeks not to better his life but to rebuild it, to gain some part of what he has lost. The immigrant and the migrant are propelled by hope; for the refugee whatever hope there may be must arise from the ruins of tragedy." (quoted in Cohen, 1991)

What of the future?

Cohen (1991) writes that in the 1970s: "Refugees from the crisis area of Africa, Asia and Latin America began to move in increasing numbers to the industrialised countries ... the arrival of many refugees from geographically and culturally distant areas constituted an unprecedented challenge to the legal machinery and conscience of the receiving country."

Similar challenges faces South Africa. With a civil engineer in Sierra Leone earning an equivalent of R75 a month and a medical doctor

from Ghana earning about R240 a month, South Africa is an extremely attractive option.

There have been strong protests from branches of the Union of Democratic Staff Associations (UDUSA) that universities are attracting black academics from outside South Africa as part of an affirmative action drive at the expense of training and promoting black South African academics.

Clearly South Africa's present policy is applied inconsistently and is almost exclusively targeted at 'illegals' from southern Africa.

The issues are complex and cannot be handled in a piecemeal and ad-hoc fashion.

One way out is to offer a six month period of immunity to all illegals that guarantees them work permits for five years and the possibility of citizenship. Alongside this we need to develop new policies to deal with genuine refugees and potential immigrants in the context of our unique position as the most industrialised centre in southern Africa and whose liberation struggle was supported at great cost by our neighbours.

While there may be an initial backlash to the immunity offer from a variety of interest groups it must be remembered that it gives *de jure* status to something that will remain *de facto* for sometime. This move will benefit the organising of workers. Legality will mean that the former illegals will feel more secure about joining unions, participating in collective worker action and so on. At the same time employers will not be able to keep them under constant threat. It will mean that 'illegals' cannot be used as union-busters or to cheapen the price of labour. At the same time it will recognise the sacrifices neighbouring countries have made to our liberation struggle, as well as the labour of migrants from these countries.

These are weighty matters that have serious implications for organised labour. It is an issue that trade unions cannot ignore. ☆

Sources

Newspapers: Daily News, Sunday Tribune, Natal Mercury

R Cohen *Contested Domains* (Zed Press, London, 1991)