

# The Restrictiveness of Migration Policies in South Africa

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## Abstract

Political rhetoric and the migration-security nexus contribute to the widespread perception that migration policies have become more restrictive. Drawing on the DEMIG POLICY database, a large multi-country dataset, this paper assesses migration policy restrictiveness in South Africa over the period 1948 through 2020. Findings suggest that migration policies have become less restrictive and show how changes in policy restrictiveness vary according to the different policy areas and target groups. While policies of entry, stay and exit have turned towards less restrictiveness, border control policies have remained largely restrictive. Furthermore, while policy restrictions have affected asylum seekers and refugees, low-skilled migrant workers have benefited from amnesties and regularisation programmes. These short-term programmes raise a normative question about the socio-economic rights of those who are neither citizens nor long-term residents.

**Keywords:** migration policy; restrictiveness; asylum; migration; South Africa

## Introduction

This study intends to contribute in understanding the evolution of migration policy restrictiveness in South Africa based on the analysis of all legislative changes that occurred since 1948. Drawing on the Determinants of International Migration (DEMIG) POLICY database, 109 policy measures enacted by the state to regulate, restrict and liberalise the movements of people within the country were collected and coded (see Table A1, Annex). Systematic data collection for the DEMIG database started from the year 1945 and, for the purpose of this study, policy measures introduced from 1948 to 2020 were included. In particular, the year 1948 when apartheid was officially institutionalised, is a turning point in modern South African history. However, it is worth noting that some of the restrictive policies implemented during the apartheid regime were built on pre-1948 discriminatory legislation (Peberdy 1999; 2013). The analysis of policy changes focuses on 'policy on paper



and does not take into account implementation, policy discourse or enforcement' (De Haas et al. 2014:16). The purpose of the study is to dispel the misguided assumption of an indiscriminate growth in policy restrictiveness and to provide accurate information, through the analysis of empirical data, to establish which migrant groups have been affected by more restrictive and less restrictive migration policies.

In South Africa, a great body of literature describes at length the restrictionism of the post-apartheid immigration regime (Peberdy 2001; Adepoju 2003; Crush & Dodson 2007; Crush & Williams 2010; Segatti & Landau 2011). Kabwe-Segatti (2008a:77) notes that, 'if one looks at South Africa's immigration policy over the century, it is clear that each significant political turn went along with harsher immigration measures'. The academic debate on the securitisation of migration further highlights the development of restrictive national migration policies replicating the containment measures of Europe and North America (Khan 2018). Furthermore, media narratives link the presence of immigrants in South Africa with a variety of irregular and criminal behaviour and, in some instances, appear to give a call for authorities to enforce restrictive policies (Johnson & Carciotto 2017). However, the main argument about a growth in restrictiveness, which underlies narrative analyses of the evolution of migration policies in South Africa, reflects a doubtful conceptualisation of migration policy restrictiveness, as well as a conceptual confusion between discourse, policy and implementation.

The widespread assumption that migration policies worldwide have become more restrictive is challenged by Czaika and De Haas (2013) who describe how the idea of a growing general policy restrictiveness is directly linked to a considerable discrepancy between political discourses and the policies on paper. This could, for instance, explain why despite the anti-immigrant rhetoric of some political leaders and the public request for more repressive migration policies (Gordon 2016), South Africa has granted regular status in the form of permanent and temporary permits to over 500,000 migrants<sup>1</sup> since 1994.

Migration policies do not take place in a *vacuum* where the state is the only actor in control and, in order to understand the gaps and inconsistencies between migration policy intentions and results, it is necessary to look at some of the factors that influence the process of policy making. Migration policies are complex by nature, involve different government structures, and are the result of tensions between 'economic and social interests and the ways the state tries to balance these' (Castles 2004:868). The competing interests of different societal groups and institutions (Boswell 2007) constantly 'interact within bureaucratic, legislative, judicial and public arenas to construct and implement policies that encourage, discourage or otherwise regulate the flow of immigrants' (Massey

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<sup>1</sup> In South Africa there have been immigration amnesties for 50,000 migrant gold miners (1995); 125,000 Southern African Development Community (SADC) migrants (1996); 100,000 Mozambican ex-refugees (2000) and regulation for 275,000 Zimbabweans (2010), see Crush et al. (2017).



1999:307). In this regard, when describing the evolution of migration policy formulation in South Africa, between 1994 and 2004, Kabwe-Segatti (2008a:33) notes that the debate was influenced by clusters of various 'interest groups' with different approaches to migration. In the same vein, Polzer (2005) argues that since the end of apartheid the discourse around migration was dominated by a plurality of different actors trying to legitimate their power. These examples help to elucidate the conflicting forces involved in the process of policy formulation in a modern democratic state.

In addition, neo-classical political economists (Shughart, Tollison & Kimenyi 1986; Freeman 1995) argue that modern migration policies are the result of the exercise of power from different vested groups (i.e., workers, capitalists and landowners) which act as 'brokers' to lobby for more liberal migration policies. Based on this theory, states play only a marginal role as the cost-benefit calculations made by well-organised interest groups determine the outcome of policy discussions. Hollifield (2004) suggests a different approach and conceptualises the emergence of a so-called 'migration state'. According to his view the state is not a passive subject which receives pressure from different interest groups, but is an independent actor, able to define its own goals and priorities. According to Hollifield, states are multi-agency organisms comprised of political parties, a bureaucratic apparatus and an administration. They are, therefore, capable of acting autonomously from societal interest groups and maximise their interests and preferences, including to secure their legitimacy. To overcome shortcomings from both neo-classical and neo-institutionalist approaches, Boswell (2007) recommends a 'third way' to conceptualise migration policies. Her analysis is based on the study of four functional imperatives of the state to secure legitimacy. These are the functions to guarantee security, accumulation of wealth, fairness in resource distribution and institutional legitimacy. The latter defines the state's capacity to act in conformity with the basic principles of democracy and liberty (ibid.). The critical review presented by Boswell is beneficial to better understand which are the forces that shape migration policies, how states secure their legitimacy, and the rationale of contradictory and ineffective policies.

By providing a conceptual framework to assess migration policy restrictiveness across different migrant groups and policy areas, the DEMIG POLICY database can help in ascertaining whether migration policies in South Africa have become more restrictive. It also allows for gaining insight into the complex process of policy formulation to elucidate discrepancies between political discourses, enacted policies and implementation.



## Methodology and Data

Data for this article derives from the multi-country DEMIG POLICY database (Determinants of International Migration: A Theoretical and Empirical Assessment of Policy, Origin and Destination Effects) compiled between 2010 and 2014 by the International Migration Institute at Oxford University (DEMIG 2015). This large dataset aims at assessing the level of migration policy restrictiveness and tracks over 6,500 policy changes in 45 main immigration/emigration countries and migration hubs including South Africa (De Haas et al. 2014; 2015; 2016). Every country dataset was validated by a national migration expert<sup>2</sup> to ensure accuracy and thoroughness of the data. Reviewers were asked to conduct a detailed review of the migration policies recorded in the database, and whether there were any major errors and omissions, including the name and summary of the migration policy measure, its year of implementation as well as perceived impact.<sup>3</sup>

To bring the South African database up to date and keep it abreast of the most recent policy developments, the author compiled and coded all policy changes that occurred between 2014 and 2020 using the same coding scheme provided by the DEMIG POLICY project team. Exclusively enacted migration policies were coded based on their content and not on their apparent impact (De Haas et al. 2015:26).

Migration policies are defined as rules (i.e., regulations, laws and measures) that national states implemented to regulate migration (Czaika & De Haas 2013). Discussion documents, policy strategies and broad statements of government policy not brought into effect were not coded and were simply treated as 'contextual information' (De Haas et al. 2015:4). Similarly, deficiencies in policy implementation, also known as implementation gaps, (Czaika & De Haas 2011) were not assessed. For example, only enacted provisions included in the White Paper on international migration for South Africa, published in July 2017, were coded and analysed while the others were considered relevant to the country's public debate on policy making but their restrictiveness was not assessed as they were not into effect yet.

Large policy reforms, such as the 2011 Immigration Amendment Act, were disaggregated into different sub-measures and coded separately. Changes in policy restrictiveness were measured according to a decrease or increase of the rights which are granted by the state to the migrants of the targeted category (De Haas et al. 2014:15). Table 1 provides five examples of coded policy changes. Policy changes aimed at restricting the rights of a specific migrant group were coded +1, while those changes aimed at increasing the rights of a specific migrant group were coded -1. Furthermore, the DEMIG POLICY database elaborated a 'policy restrictiveness index' which was obtained by calculating the average of weighted changes in restrictiveness (between -4 and 4) of all policy measures enacted in a given year [see Table 1]. A score above zero means that the number of restrictive policy

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<sup>2</sup> In South Africa the country database was validated by Aurelia Segatti.

<sup>3</sup> Email communication with a member of the DEMIG team, 26 April 2020.



changes introduced in that particular year was larger than the number of less restrictive policy changes, while a score below zero means that less restrictive changes prevailed' (De Haas et al. 2016:332).

Depending upon the magnitude of each policy change, and to allow for weighting, two relevant criteria were also established by the DEMIG researchers. First, the so-called 'degree of coverage' was applied to establish whether a policy change affected an entire migrant group or simply a sub-category. For example, as Table 1 shows, the 2009 Zimbabwe Documentation Project (ZDP) intended to regularise only a specific group of migrants living in South Africa (irregular migrants), while the Amendment of the 2010 South African Citizenship Act, granting citizenship through birth, targeted an entire group of migrants (all foreign children born in South Africa).

Second, the 'degree of departure' established whether a 'policy change represented a fundamental departure from the pre-existing policy or not' (De Haas et al. 2016:330). These two criteria which allow for the classification of policy changes on an ordinal scale from 1 to 4 are illustrated in Table 1. *Fine-tuning changes* (weight 1) are policy changes targeting part of a migrant category and altering an existing policy instrument, for example, the naturalisation after at least two years of permanent residence for people married to South African citizens. *Minor changes* (weight 2) refer to an entire migrant group but do not introduce or remove a new policy instrument, for example, stricter sanctions introduced for overstaying a visa. *Mid-level changes* (weight 3) include policy changes which introduce or remove a new policy instrument but refer only to part of a migrant category, for instance, the Zimbabwe Documentation Project mentioned above. Finally, *major changes* (weight 4) introduce or remove a new policy instrument and apply to an entire migrant category (De Haas et al. 2014; 2015). This is for example, the case of a measure granting permanent residence in South Africa to investors.



**Table 1:** DEMIG data coding

Year	Policy Change	Policy Area	Policy Tool	Migrant Category	Geographic Origin	Restrictiveness	Magnitude
1995	South African Citizenship Act of 1995 - granted citizenship through naturalization after at least two years of permanent residence for people married to South African citizens	Integration	Access to citizenship	Family members	All foreign nationalities	Less restrictive (-1)	Fine-tuning change
2002	The 2002 Immigration Act grants permanent residency based on a business investment.	Integration	Access to permanent residency	Investors, entrepreneurs and business people	All foreign nationalities	Less restrictive (-4)	Major change
2009	Regularisation of Zimbabwean nationals	Legal entry and stay	Regularisation	Irregular migrants	Specific nationalities	Less restrictive (-3)	Mid-level change
2010	Citizenship Amendment Act, which came into force on 1 January 2013, provided a new pathway to citizenship: children born and registered in South Africa to parents who were neither South African citizens nor permanent residents at the time of birth and who live their whole life in South Africa until they turn 18 have the right to apply for “citizenship by naturalisation”.	Access to citizenship	Access to citizenship	All migrants	All foreign nationalities	Less restrictive (-4)	Major change
2011	Immigration Amendment Act of March 2011 increases the maximum penalty to four years imprisonment for those who overstay.	Border and land control	Other sanctions	Irregular migrants	All foreign nationalities	More restrictive (+2)	Minor change

As Table 1 indicates, each policy change was also coded using four different variables: 1) *policy area* (what?) consists of four codes indicating whether the measure regulates aspects of border control, legal entry, integration, or exit; 2) *policy tool* (how?) consists of 28 codes indicating whether the policy deals with work visas, quotas, access to permanent residency, sanctions, recruitment agreements, return programmes, regularisations, etc.; 3) *migrant category* (who?) comprises 14 codes indicating which migrant group is targeted by the policy, such as high-skilled workers, family migrants, refugees, international students, all immigrants, or members of the diaspora; 4) *geographic origin* (from where?) comprises 5 codes capturing the (clusters of) nationalities targeted by the policy and indicates whether the policy measure targets, for example, all foreign nationalities, specific nationalities, or its own citizens (De Haas et al. 2014:12).

The compilation procedure of the DEMIG POLICY database is inherently selective and, despite rigorous criteria to minimise arbitrariness, the coding process and the mechanisms to assess policy restrictiveness contain elements of subjective interpretation and some sources of bias. Firstly, the selection of policy changes may be biased towards those measures which echo resonated more compared to less ‘politically salient policies’ (De Haas et al. 2015:7). Secondly, the database does not allow for the measurement of the implementation of policies which depends on resources, as well as on the discretion of state and non-state workers (De Haas et al. 2016:332). To address some of the weaknesses in the DEMIG dataset and to ensure reliability and consistency, the DEMIG team has maximised transparency about policy selection and policy coding criteria and clearly defined key terms such as migration policy, policy change, and restrictiveness (De Haas et al. 2015:17). Notwithstanding its limitations, the DEMIG POLICY database represents the largest migration policy database accessible online and is a useful tool to assess restrictiveness and magnitude of policy changes that occurred in South Africa between 1948 and 2020.

## **The Evolution of Migration Policies in South Africa**

After the National Party gained power in 1948, the Afrikaner government passed three major migration policies (OECD/ILO 2018). The 1950 Population Registration Act was introduced to divide the population into four racial categories – white, black, Indian and coloured. All black people were required to carry ‘reference books’ containing their photographs, and information about their places of origin, their employment records, their tax payments, and their encounter with the police. The 1955 Departure from the Union Regulation Act intended to restrict the emigration and required authorisation to depart from South African territory, while the 1962 Commonwealth Relations Act aimed at ending all uncontrolled trans-border movements in Southern Africa (DEMIG 2015).



From 1961 until 1991 the South African government implemented a 'proactive white (and Protestant) immigration policy' (Kabwe-Segatti 2008a:60) to selectively allow immigrants to stay in the country based on racial criteria. Subsidies were provided to facilitate the settlement of European immigrants and white settlers fleeing independent African countries, as well as Lithuanian and Russian refugees from Eastern Europe (OECD/ILO 2018). The period between 1985 and 1994 is characterised by the outflows of white emigrants due to the tense political environment and by a growing trend of legal entries of black African and Asian immigrants (ibid).

After the end of apartheid in 1994, South Africa found itself saddled with an immigration policy that researchers (Hart 2014; OECD/ILO 2018) describe as one of the 'dying Acts of apartheid' – the Aliens Control Act of 1991. This legislation constituted democratic South Africa's immigration policy until the enactment of the 2002 Immigration Act. Prior to that time, the South African government committed substantial resources to producing a new migration policy. This process included amendments to the Aliens Control Act (1995), a Green Paper on International Migration (1997), followed by a White Paper on International Migration (1999). Pugh (2014:142) observed that between 1994 and 2004, the development of the immigration legislation,

became a political battleground between those within the state who envisioned the attraction of skilled labour, in particular, as a key driver of laissez-faire economic growth, and who sought to decentralise immigration functions and limit state discretion, and those advocating centralised and bureaucratic state control over migration functions.

As Kabwe-Segatti (2008a:33) notes, between 1994 and 2004, the Inkatha Freedom Party (IFP) was in favour of a more neo-liberal, business-oriented approach to migration, while the African National Congress (ANC) favoured a security- and sovereignty-centred agenda. However, due to its inexperience in migration management and its inability to set a clear migration agenda, the ANC was unable to ensure that the emphasis on state control reflected in the legislation (Pugh 2014).

An important piece of post-apartheid migration legislation is the 1998 Refugees Act, enacted in 2000, and widely considered to be one of the most progressive refugee laws (Johnson & Carciotto 2017). The Act permits refugees to apply for permanent residence after five years of stay in the country, guarantees fundamental socio-economic rights, including access to health and education services, and the right to work to asylum seekers (Crush & Skinner 2017).

During the process of migration policy formulation, the positive and progressive philosophy of the 1997 Green Paper was lost (Crush & McDonald 2001). The 1999 White





Paper, in fact, positioned migrants as a ‘threat’ as they were deemed to be an extra constituency, adding pressure to services and economic needs for which the South African government had to provide (Carciotto & Mavura 2016:8). The policy document emphasised a migration control agenda premised on in-society enforcement practices and policies such as the arrest, detention and deportation of undocumented migrants. It comes as no surprise that such official state-led policy set the tone for negative views of foreigners as the cause of many social problems. The influence of these beliefs has been pervasive in post-apartheid migration policy-making. As a result, themes of control, restriction, deportation and xenophobia became prominent in South African migration policy (Danso & McDonald 2001; Peberdy 2001; Crush & Dodson 2007; Kabwe-Segatti 2008b; Vigneswaran 2008; Crush et al. 2013). Consequently, from the inception of the first post-apartheid major migration policy, migrants and especially low-skilled African migrants, have always been portrayed as problematic to South African society (Tati 2008). In particular, restrictive policy measures towards low-skilled workers ‘coincided with the adoption of policy tools to strengthen border control activities and regulate labor migration’ (De Haas et al. 2016:340).

In 1999, the Department of Home Affairs released a discussion document proposing the establishment of reception centres to confine asylum seekers for the entire duration of their application, in order to ‘curb illegal migration by persons seeking economic betterment’ (Handmaker 2001:102). In this context, exclusionary practices were no longer based on race but, arguably, on nationality. When referring to the process of nation building in post-apartheid South Africa, Polzer (2005:88) notes that ‘an inclusive, unifying discourse inevitably demands the definition of a boundary between “insiders” and “outsiders” [...] two vehicles have been especially powerful in constructing a unifying South African national identity: the evocation of a shared history of struggle and the entitlements of citizenship’. This is echoed by Peberdy (2001:29) who goes further, commenting that, ‘black Africans from outside the borders are threatening because, also for the first time, they can become part of the nation (legally or otherwise), and therefore deprive citizens of their hard-won rights, entitlements, and access to state resources.’

In 2004, when the ANC regained control of the ministry, the new Home Affairs Minister Mapisa-Nqakula immediately stated the need to review the country’s post-apartheid immigration policy initiated by Mangosuthu Buthelezi of the IFP. The first significant post-apartheid migration policy, the 2002 Immigration Act and the Amendment Act of 2004, were grounded on the need to encourage economic growth and employment as reflected by the drive to attract professional skills to the country. These legislations ‘mark a break with the initial period of post-apartheid introspection, replacing anti-immigrationist discourse with an economically-based discourse of selective skills import’ (Crush & Dodson 2007:441).



Around the 2000s, policies of ‘brain gain’ to select and recruit highly skilled migrants became very prominent across the world (De Haas et al. 2016). According to this perspective, South Africa’s economic development required a boost via an injection of foreign skills. However, only skilled migration is seen as economically beneficial to South Africa, with unskilled migration posited not only as a burden on the country’s social services and economic resources, but also as consisting of seemingly never-ending ‘waves’ and ‘floods’ of people arriving in South Africa (Carciotto & Mavura 2016:21).

The policy of granting visas to highly skilled migrants became a necessity in view of the growing proportion of the skilled labour force leaving South Africa. It is estimated that between 1989 and 2003 – the last year the Department of Home Affairs collected statistics on emigration (Budlender & Hartman-Pickerill 2013) – 520 000 South Africans had emigrated. Many moved to Angola, Botswana and Zimbabwe but larger movements occurred towards other destinations, including the United Kingdom and Australia. In 2017, 77 per cent of all South African emigrants resided in one of the following five countries: Australia, New Zealand, UK, USA, and Canada (Crush & Chikanda 2017).

After the signing of the 2007 Immigration Amendment Act (the second amendment to the 2002 Immigration Act), which dealt mainly with technical issues, the 2011 Immigration Amendment Act, enacted in 2014, introduced far-reaching changes to the existing norms, making access to the asylum system more difficult. Firstly, it sought to reduce the duration of the asylum transit permit, issued at a port of entry to those who intend to apply for asylum, from fourteen to five days. Secondly, it provided for a preliminary procedure to be conducted at border posts to determine whether applicants satisfied the criteria to make an application for asylum. Finally, the 2011 Immigration Amendment Act introduced harsher measures for those who had overstayed in the country for a stipulated number of times by declaring them undesirable persons (Carciotto & Mavura 2016).

In 2014, the South African government began reviewing the immigration regime set out in the 1999 White Paper on international migration with the intention of crafting a migration policy able to synthesize development, international obligations and national security. The formulation of a comprehensive migration policy entailed the drafting of a Green and a White Paper on International Migration released in 2016 and 2017, respectively. The 2017 White Paper proposes several major changes in eight key policy areas, including the creation of a Border Management Authority to ‘provide for an integrated border control under a single command structure’ and the establishment of Asylum Seekers Processing Centres ‘to profile and accommodate asylum seekers during their status determination process’ (RSA 2017:61). The policy document also suggests that low-skilled migrants could benefit in future from a SADC special work visa and from a multiple-entry SADC trader’s visa for cross-border traders. Human rights groups have warmly welcomed the latter



recommendations as the tangible opportunity to create new legal avenues for migration (LRC and LHR 2016). Furthermore, the 2017 White Paper emphasises the idea that asylum seekers and refugees should only be admitted temporarily and, subsequently, it establishes that permanent residency and citizenship should be delinked and that refugees will no longer access permanent residency (RSA 2017).

In 2017, the Refugees Amendment Act was also signed into law. The Act came into effect in January 2020 after Regulations were published in the Government Gazette and sought to introduce a limitation to the right to seek and attain employment for asylum seekers. Before, in 2003, the Supreme Court of Appeal of South Africa, in the *Watchenuka* case, had already established that a general prohibition of employment for asylum seekers was in conflict with the Bill of Rights and violated the right of dignity (Minister of Home Affairs and Others vs Watchenuka and Another 2003). Notwithstanding, over time, the South African government has sought to introduce policies and legislations to curtail asylum seekers' right to work and trade. An example is the 2013 Business Licensing Bill aimed at excluding refugees and migrants from informal trading (Crush & Tawodzera 2017).

With regards to the obtainment of permanent residency, the 2017 Refugees Amendment Act has increased the amount of time required by refugees before being allowed to submit an application from the current five years to ten years. This thus contradicts the provision of the 2017 White Paper which sought to put an end to any form of permanent migration for refugees.

## Assessing Policy Restrictiveness

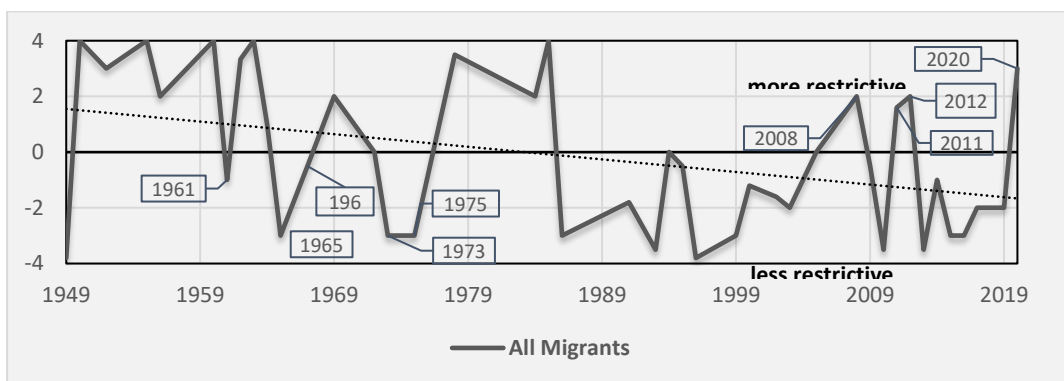
Figure 1 highlights changes in migration policy restrictiveness in South Africa between 1948 and 2020 for all types of policy interventions and for all migrant groups. Enacted policy changes for any given year were weighted and a score between -4 (less restrictive) and +4 (more restrictive) was assigned to determine a policy restrictiveness index. Table A1 in the Annex illustrates year, description, magnitude and level of restrictions of all 109 policy changes which were collected and coded.

The period between 1948 and 1986 was dominated by restrictive migration policies (a score above zero). The trend towards restrictiveness lasted for almost forty years until the mid-80s – with the exception of five years (1961, 1965, 1967, 1973 and 1975, see Figure 1) and is explained by the enactment of racist legislation since the inception and implementation of the apartheid regime in 1948. Numerous factors characterised the period of time. These include the proactive white immigration policy started in 1961 to address the shortage of qualified white labour, the relations between the state, the



agricultural and mining sectors and labour-sending neighbouring countries, and the apartheid legislation on residential segregation and preferential job areas (Kabwe-Segatti 2008b:61). During this time, migrant workers from the SADC region were recruited through bilateral agreements<sup>4</sup> to work in the mining and agricultural sectors. Bilateral agreements were signed between South Africa and the following SADC countries: Malawi (1967), Lesotho (1973), Botswana (1973) and Swaziland (1975) (DEMIG 2015), thus contributing to less restrictiveness. This racially-based immigration system, also known as a ‘two-gates policy’ (Crush & McDonald, 2001), favoured the permanent settlement of white immigrants, while only allowing African migrants to reside in South Africa for temporary periods.

Figure 1: Average of Weighted Change in Migration Policy Restrictiveness, South Africa, 1949-2020



Source: Author's own compilation, based on DEMIG database

Since 1986 – with the exception of 2008, 2011, 2012 and 2020 (see Figure 1) – yearly averages of weighted changes in migration policy restrictiveness have largely remained negative, indicating a prevalence of less restrictive policies and a progressive liberalisation of migration. This period coincided with Amendment to the 1984 Act deleting the term “European” that made it compulsory for all immigrants to be able to “assimilate” with the European population of the Union and the abolishment of the Pass Law of 1952 (DEMIG 2015). Furthermore, in 1991 both the 1950 Population Registration Act and the proactive white immigration policy to trigger the settlement of qualified white European immigrants

<sup>4</sup> South Africa also signed post-apartheid bilateral agreements and MOUs with Lesotho (2009); Zimbabwe (2009); Democratic Republic of the Congo (2004); Tanzania (2007).



were repealed. In the same year, the Aliens Control Act was passed and became the cornerstone of the South African immigration policy until 2002.

Despite a 'highly restrictionist immigration discourse [...] and a progressive hostility towards immigrants' (Crush & McDonald 2001:9) that emerged during the process of nation building, data from the DEMIG POLICY database confirm the trend towards fewer restrictions for post-1994 migration policies. This is in line with the literature and remarks that 'the considerable gap between tough immigration discourses by politicians and actual migration policies, which are generally much more nuanced and varied' (Czaika & De Haas 2013:494). It is worth mentioning that a more liberal and less restrictive policy environment does not always translate into better living conditions and wellbeing for migrants. The clearest example of this is the 1998 Refugee Act which is widely lauded as progressive but whose implementation in practice has been abysmal, mismanaged, and rights-disregarding. This contradiction is well explained by Kabwe-Segatti (2008a:33) when referring to South African migration policy in the post-apartheid period. She observes that 'despite the overall legal framework offering migrants in general more rights and guarantees than ever before, their situation in terms of human rights abuses, economic and social rights and day-to-day interactions remains a preoccupying one'.

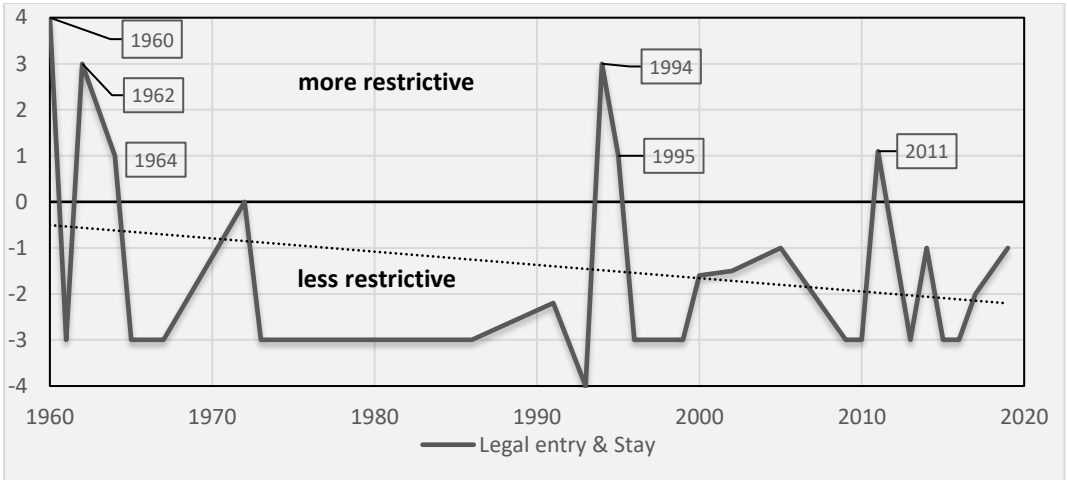
A trend towards less policy restrictiveness is confirmed by the analysis of immigration policies dealing with the 'legal entry and stay' of migrants enacted after 1960 (before this year the DEMIG dataset does not record any policies of 'legal entry and stay' in South Africa). These policy measures 'include the legal entry and stay of a specific migrant group, as well as regularisation programmes. Residency (except rules on permanent residency) is not dealt with apart, as it is often a corollary of the entry visa/permits' (De Haas et al. 2014:23).

As Figure 2 shows, a strong trend towards less restrictive policies of entry and stay characterises the 1960–2020 period. There are, however, some periods where more restrictive changes have outweighed less restrictive measures. In 1960, for example, the Amendment to the 1913 Act required persons entering South Africa to hold a valid visa. Two years later, in 1962, the Commonwealth Relations Act brought British nationals, who had previously held a special status, under the common immigration legislation. In 1964, the Residence in the Republic Regulation Act established that those entering under agreements with neighbouring countries could only enter for 'employment purposes' (DEMIG 2015). Furthermore, in 1994 stringent measures were introduced to restrict the entry of low-skilled immigrants, while in 1995, the South African government announced that it would no longer recognise Mozambican refugees (DEMIG 2015). This policy change had some negative consequences on the majority of former refugees who remained without formal status. As Crush & Williams (2001:6) argue, 'the extended delay in



implementing the amnesty decision meant that deportations of Mozambican refugees continued. Their situation remained extremely vulnerable with limited economic survival options or access to basic services’.

Figure 2: Average of Weighted Change in Migration Policy Restrictiveness by Policy Area (Legal Entry & Stay) South Africa, 1960-2020



Source: Author's own compilation, based on DEMIG database

In the early 2000s the entry into force of the South African Refugees Act of 1998 and the Immigration Act of 2002 marked the beginning of an era of liberalised policies of entry and stay. The Accelerated and Shared Growth Initiative for South Africa (ASGI-SA) designed to boost the country’s economy, prompted the government to introduce new subclasses of work permits to facilitate the entry of skilled workers in key sectors. It also sought to reduce the possibility for mining companies to hire foreign workers by introducing a new corporate permit to allow recruitment of a specific number of foreign workers (DEMIG 2015).

The trend towards a liberalisation of entry and stay policies continued in the 2000s with the adoption in 2005 of the Amendment Immigration Act 2004 which facilitates access to permits for workers from the SADC region by lowering fees and other administrative requirements (DEMIG 2015). In 2009, following the political and economic crisis which affected Zimbabwe in the aftermath of the 2008 presidential elections, the South African



government introduced a regularisation programme restricted to Zimbabwean nationals<sup>5</sup> and a moratorium on deportation in force between 2009 and 2011 (Kabwe-Segatti 2008b). The so-called *Dispensation of Zimbabweans Project* – or ‘DZP’ – allowed Zimbabwean holders of this special permit to stay in South Africa for an initial period of four years. Of the estimated 510,000 Zimbabweans living in South Africa in 2007 (Tawodzera & Crush 2016), fewer than 300, 000 applied for the DZP permits (Bimha 2017).

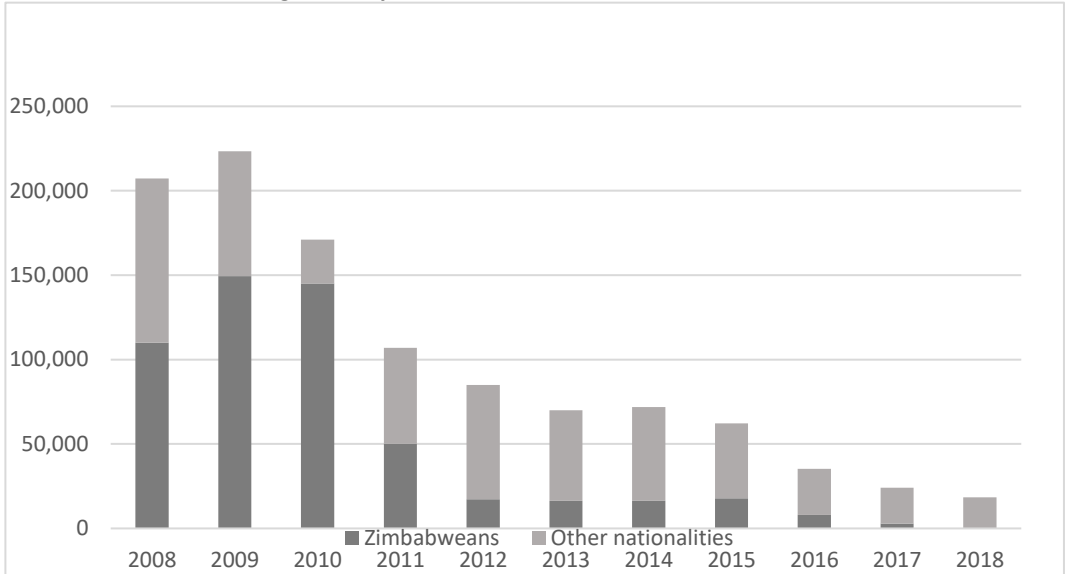
Figure 3 shows that in South Africa, between 2008 and 2011, 64 per cent of the over 700,000 new applications for asylum were submitted by Zimbabwean nationals, leading the Department of Home Affairs ‘to implement restrictive [...] policies and procedures’ (Carciotto & Mavura 2016:169) to stem the influx of asylum seekers in the country. The introduction of the 2011 Immigration Amendment Act brought some new restrictive measures related to the entry and stay of asylum seekers motivated by an increased focus on security and a preoccupation with asylum seeker numbers (Polzer 2013:17). In particular, as indicated earlier, the 2011 Immigration Amendment Act introduced several measures making access to asylum more difficult (see Figure 2). The Act also required applicants for temporary visas, including work visas to show up in person at the offices of the DHA, or at the South African Embassy in their respective countries, thus increasing policy restrictiveness (DEMIG 2015).

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<sup>5</sup> Two other regularisation programmes targeting Angolan former refugees (1,300) and undocumented Lesotho nationals in South Africa (90,000) were implemented, in 2013 and 2015, respectively.



Figure 3: Asylum Claims in South Africa, 2008-2018



Source: Department of Home Affairs

Notwithstanding the restrictive legislative measures introduced by the 2011 Immigration Amendment Act, data shows that policies of legal entry in South Africa are characterised by a long-term trend towards less restrictiveness. In particular, the South African government has facilitated the entry and stay of certain migrant groups including tourists, businesspersons, academics and highly trained graduates in critical skills areas. In 2017 and 2019, South Africa finalised visa waiver agreements with several countries such as the Russian Federation, Angola, Saudi Arabia, United Arab Emirates, Qatar, New Zealand, Cuba, Ghana and Sao Tome and Principe. Other measures to ease the movements of travellers include long-term visas and multiple entry visas for African business people and academics.

In contrast with empirical evidence from the above analysis, Figure 4 shows that all legislative measures of 'border land and control' have remained over time largely restrictive. The restrictive trend in border land and control in immigration policies coincides with 'the physical hardening of the borderline by means of improved surveillance technology' (Minnaar 2001:90), and the enforcement of more stringent measures of control. These include the deployment of the military force along land borders, the introduction of biometrics and automated fingerprint systems, stricter sanctions for employers hiring irregular migrants and for those educating, housing or helping them (DEMIG 2015).



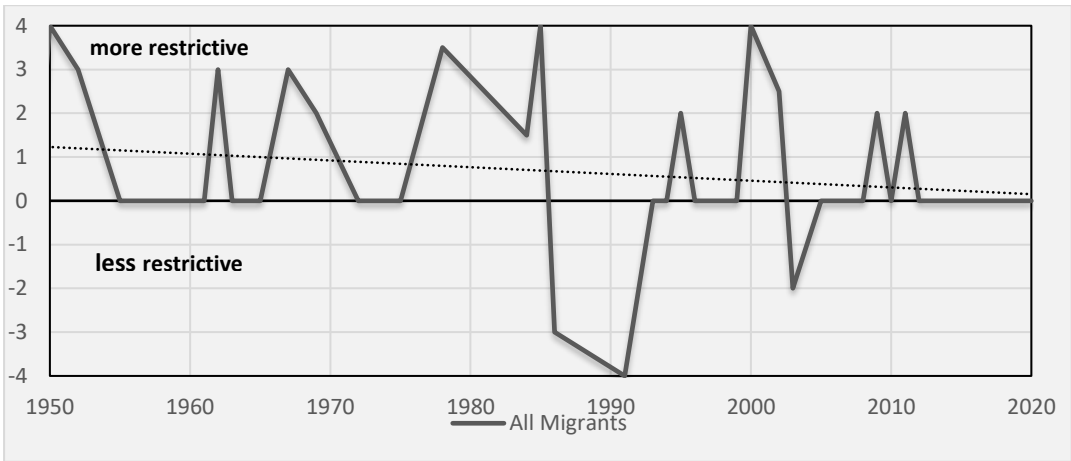


In 2016, the Department of Home Affairs introduced the Border Management Authority (BMA) Bill with the aim of promoting,

an operational balance between security, trade facilitation, tourism promotion and socio-economic development both within South Africa and the SADC region [...] The BMA, which may lead to greater restrictiveness, includes the establishment of a risk targeting centre where all departmental systems would be jointly used to assess risk levels of conveyances, persons and goods (RSA 2017:40).

In March 2020, the National Assembly approved the BMA Bill which, at the time of writing, is waiting for the President to be signed into law.

Figure 4: Average of Weighted Change in Migration Policy Restrictiveness by Policy Area (Border and land control) South Africa, 1949-2020



Source: Author's own compilation, based on DEMIG database

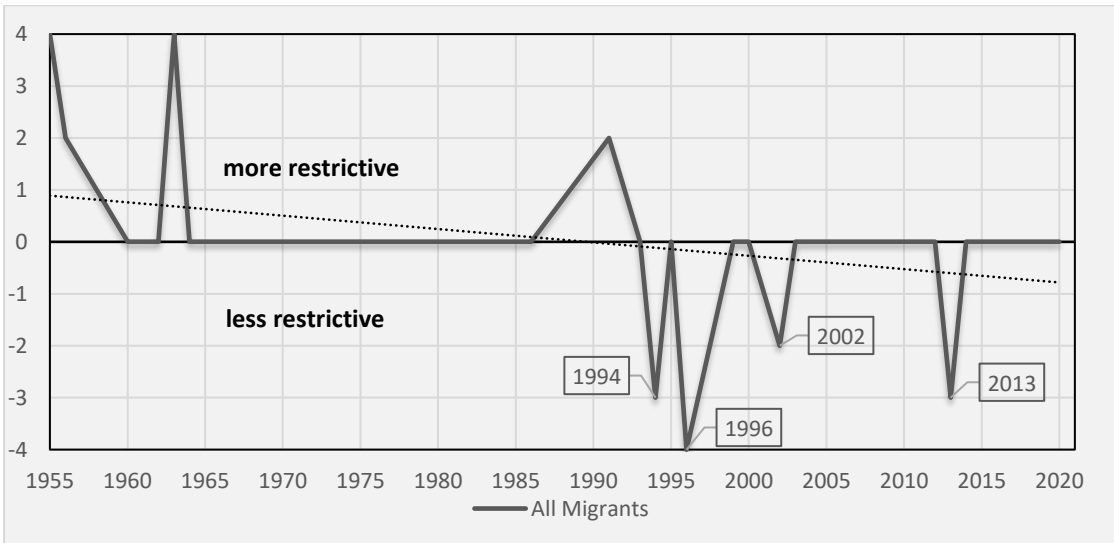
Figure 5 provides an analysis of exit policies which includes compulsory and voluntary return programmes for refugees and deportations (De Haas et al. 2016). Since 1994 when Mozambican refugees were voluntarily repatriated with the assistance of the UNHCR and the IOM, exit policies have moved towards a less restrictive direction. This is largely due to provisions included in the 1995 Aliens Control Amendment Act which ‘significantly curtailed the degree of discretion individual officials possessed to enforce immigration laws’ (Vigneswaran 2008:792), the 1996 Bill of Rights of the Constitution granting everyone the freedom of movement and the right to leave the country, as well as the additional applicable due process requirements to deportation of the 2002 Immigration Act (DEMIG 2015). It is, however, worth noting that ‘whilst the immigration policy framework supports a human rights-compliant policing model’ (Hiropoulos 2017:5), serious deficiencies in its

implementation have led to illegal practices of detention and excessive use of detention for the purposes of deportation (Amit 2010; 2012). This can be partly explained by a weak administrative apparatus to deal with immigration control and by the role played by the South African Police Service as immigration and border control enforcement agency (Vigneswaran 2008:791).

Figure 6 shows that between 2002 and 2008 more than 1.4 million foreigners (on average 200,000 per year) were deported. Since the establishment of the ZDP, the number of deportations has progressively declined to less than 30,000 in 2016. The decline in numbers is partly due to the moratorium on deportation for Zimbabwean migrants, but also to the cost implications of the ineffective deportations of irregular migrants (Amit 2010; 2012; RSA 2016; 2017).

The next section discusses restrictiveness of migration policies for two specific categories of migrants, namely low-skilled workers and asylum seekers, who were ‘both globally the target of an increasing proportion of restrictive changes over the 2000s’ (De Haas et al. 2016:340).

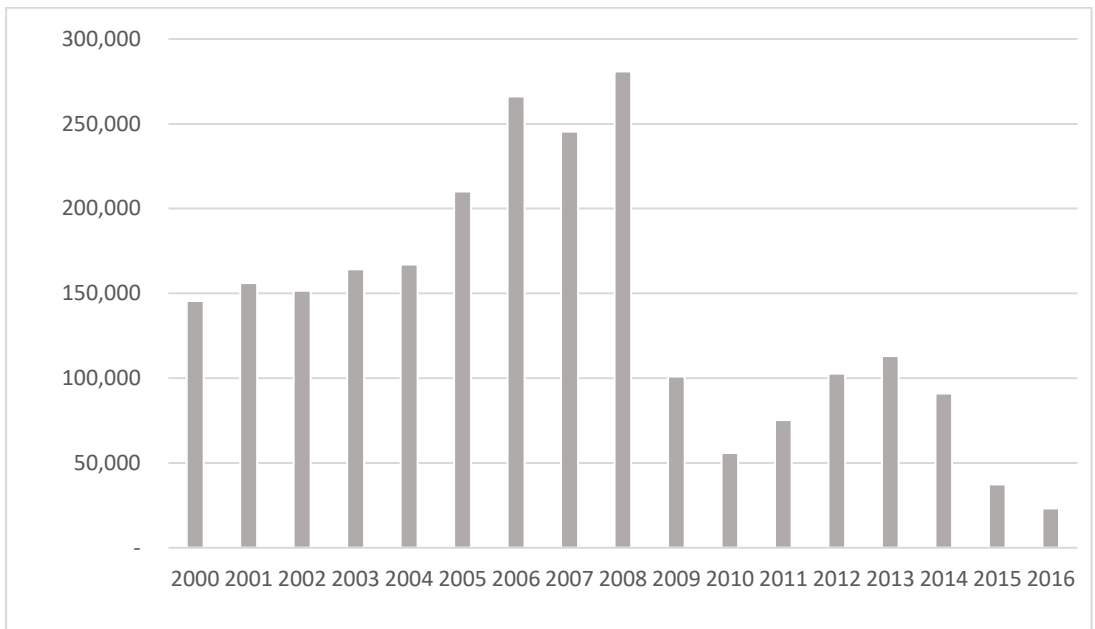
Figure 5: Average of Weighted Change in Migration Policy Restrictiveness by Policy Area (Exit) South Africa, 1955-2020



Source: Author's own compilation, based on DEMIG database



Figure 6: Deportation of Foreign Nationals 2000-2016



Source: Department of Home Affairs Annual Reports

### Replacing Asylum with Permanent Temporariness

The analysis of all legislative measures enacted between 1948 and 2020 shows that migration policies in South Africa have largely become less restrictive. This also applies to entry and exit policies, while border and control immigration policies have remained largely restrictive. This information, however, does not explain how migration policies have evolved across different migrant categories, leaving the question open whether policy interventions towards low-skilled workers have become more restrictive. Three main elements would lean towards an increase, over time, in the level of restrictiveness towards this particular migrant group. First, as discussed earlier, the policy discourse in South Africa has encouraged the recruitment of skilled migrants to the disadvantage of unskilled migrants, including those already present in the country (Peberdy 2001; Crush & Dodson 2007). Secondly, the academic literature (Segatti & Landau 2011) suggests that the rigid immigration system has sought to limit the migration of low-skilled workers through policy and practice. Thirdly, the absence of temporary work programmes, with the exception of the contract labour system to the South African mines has not incentivised government to make legal provisions to facilitate the entry of low-skilled workers (Crush et al. 2017).

With regard to policies targeting low-skilled workers, the low number of entries in the DEMIG database precludes a detailed and robust target group-specific analysis of restrictiveness, but leaves room for some contextual considerations. The period between 1964 and 1975 is characterised by less restrictive policies in the form of bilateral agreements with neighbouring countries to facilitate the recruitment of low-skilled workers in the mining and farming sectors. Traditionally, supply and demand of semi-skilled and low-skilled workers are linked to South Africa's long history of managed labour migration from countries such as Lesotho, Mozambique, Botswana, Swaziland and Malawi (DEMIG 2015).

Later, in 1994, the Department of Home Affairs formalised a restrictive informal policy to establish that no immigrants in unskilled or semi-skilled categories would be admitted to work in the country. This, coupled with an increased interest in hiring mineworkers from within South Africa, have led to a huge drop in the number of foreign miners, from 60 per cent of the workforce at the end of the 1990s, to 30 per cent in 2013 (Cross & Cliffe 2017). The reduction in mining employment into South Africa and the casualisation of the sector, resulted in job-losses and in a widespread involvement of migrant workers in labour-intensive and unregulated economic sectors such as, construction, agriculture and domestic work (Cottle 2008; Jinnah & Cazarin 2015; Vanyoro 2019). Furthermore, the inability of government to set up a legal entry system for low-skilled migrant workers has led to the growth of undocumented migration. As a direct consequence, over the years, low-skilled migrants have turned to the asylum system as the only option to legalise their stay (Moyo 2018).

Since 1994, despite restrictive policies, low-skilled SADC migrant workers have indirectly benefited from amnesties and regularisation programmes targeting irregular migrants and former refugees. These include the 1995 amnesty for mineworkers, the 1996 amnesty for SADC nationals, the 1999 amnesty for Mozambican refugees, the 2009 Dispensation of Zimbabweans Project (DZP), the 2013 cessation project for Angolan refugees and the 2016 special dispensation for Basotho. For example, according to Pokroy (2013: 49), 'during the DZP process some undocumented Zimbabwean migrants were issued with work permits irrespective of their qualifications or skills set; thus, they were not subjected to South Africa's restrictive visa/permit application requirements'. In a similar way, low-skilled migrants in the agricultural sector have benefited from special dispensation and other forms of documentation 'outside normal work permit procedures' (Thebe 2017:616).

Figure 7 analyses the change in restrictiveness of migration policies targeting asylum seekers and refugees. Before 1993, South Africa did not enshrine asylum seeker and refugee rights. The establishment of the 1998 Refugees Act and the creation of a refugee status determination system marked the beginning of a liberal and progressive refugee

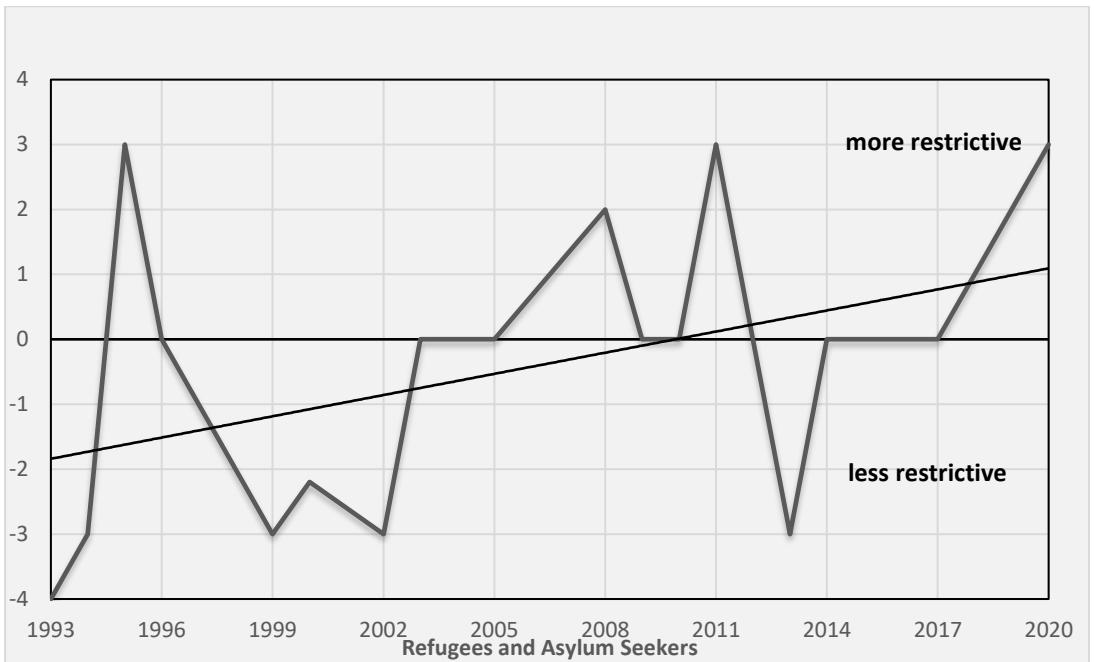


regime. Since then, the number of people in need of international protection has considerably increased. In 2000, the total number was around 30,000 and included 15,000 pending asylum applications and 15,000 recognised refugees, while in 2005, the combined number reached 170,000 (UNHCR 2020).

The spike in the numbers was caused by the political instability in the Great Lakes Region and the Horn of Africa and by the increasing influx of SADC migrants who turned to the country's asylum system in response to the decline of formal contracted labour. Between 2008 and 2012, the volume of asylum applications was as high as 150,000 per year, while from 2005 to 2011, the country received the highest asylum applications globally, with a peak of over 200,000 in 2009 (UNHCR 2013). The steady increase in the number of applications generated a public and state discourse based on the distrust of *bogus* asylum seekers which reinforced a 'hostile and sometimes xenophobic attitude towards undocumented black African migrants and, to a lesser extent, refugees from the rest of Africa' (Peberdy 2009: 138). This coincides with an era of progressively restrictive asylum policies. In 2008, for example, the 2008 Refugees Amendment Act, sought to limit judicial oversight increasing control by the executive and to restrict access to socio-economic rights for refugees and asylum seekers. In particular, the 2008 Refugees Amendment Act repealed Section 27(g) of the 1998 Refugees Act which extended the rights to basic health services and basic primary education to refugees (DEMIG 2015). Further restrictive measures targeting asylum seekers and refugees include the 2011 Amendments to the Immigration Act, whose provisions are discussed earlier, and the 2017 Refugees Amendment Act which intends to inhibit asylum seekers' right to work and trade.

Figure 7: Average of Weighted Change in Migration Policy Restrictiveness by Target Group (Asylum Seekers & Refugees) South Africa, 1993-2020





Source: Author's own compilation, based on DEMIG database

Illegitimate asylum seekers and those who intended to apply for asylum, including qualified migrants employed in low-skilled occupations, have benefited from the DZP and received alternative permits to conduct work in South Africa. Data from the Department of Home Affairs shows that, in 2009, asylum applications submitted by Zimbabwean nationals accounted for two-thirds of the total (Figure 3). However, in the same year, only 200 Zimbabweans were granted refugee status (RSA 2010).

The South African government has facilitated the regularisation of the above-mentioned migrant groups for several reasons. First, the special dispensation helped easing the pressure on the overburdened asylum system and regulating labour migration. Secondly, it reduced the costs of expensive and ineffective deportation – in 2005, the deportation number of Zimbabwean nationals reached a staggering 150,000 (Hiropoulos 2017). Lastly, it provided a policy option to document low-skilled migrants already living in South Africa.

However, a closer look at the special Dispensation of Zimbabweans Project reveals the shortfalls of this programme and the risks that temporary migration programmes present to 'exacerbate exploitative conditions, as well as embed precarious modes of living' (OECD/ILO 2018). The precarisation of work and the reduction of social and labour rights for low-skilled migrants are common features of globalised societies both in the global



North and the global South (Schierup, Alund & Likic-Brboric 2015:51). In general, low-skilled migrant workers experience highly restrictive conditions, with limitations on duration of stay and the right to change jobs (Castles & Ozkul 2014:30).

In the case of the DZP, Zimbabweans who had already applied for asylum in South Africa were given the opportunity to switch to the immigration regime – giving up their asylum-seeking status – and to receive four-year non-renewable temporary work permits with no possibility of applying for permanent residence. This allowed ZDP holders to secure legitimate employment in different economic sectors including services, private households and construction. Official statistics show that nearly 40 per cent of migrant workers in South Africa are employed in these highly unregulated sectors which employ casual workers on short-term contracts (Stats SA 2019).

This ‘trade-off’ between asylum and immigration systems may yield a win-win solution for migrants and the government. However, it raises a number of concerns about the deprivation of legal protections granted to temporary migrant workers and bring to the fore normative questions on their rights while in the country. Unlike asylum seekers, who are protected under international humanitarian law by the principle of *non-refoulement* and should not be deported to a country where there is a risk for their lives, temporary migrants are at a higher risk of deportation. Furthermore, refugees in South Africa have the right to settle permanently, while beneficiaries of the DZP are not allowed to apply for permanent residence despite their continuous permanence in the country. The lack of opportunity for permanent settlement, does not only leave migrant workers in a state of ‘permanent temporality’ (Landau, 2006), but also negatively impacts the socio-economic development of the host country, favouring remittances outflows to the detriment of local investments (Landau et al. 2018).

The analysis proposed above, shows that since 1994, undocumented migrants and low-skilled workers have benefited from amnesties and regularisation programmes. However, these policy interventions have granted limited rights to migrant workers and, in some cases, did not render them eligible for permanent residence, irrespective of the amount of time spent in the country. Furthermore, numerous positive yearly weighted averages were recorded for asylum seekers, pointing towards a more restrictive trend for this particular migrant category. Policy interventions targeting asylum seekers have become more restrictive largely due to progressive limitations of socio-economic rights, including the right to seek and attain employment.



## Conclusion

Previous studies have come to the conclusion that migration policies in South Africa have become more restrictive due to the securitisation of migration and the tightening of border controls. This body of work largely relies on qualitative studies to analyse the development of migration policies and reflects conceptual confusion between the evaluation of policy intentions and outcomes.

A rigorous assessment of the changes in policy restrictiveness, described as the effects on the rights of migrants, however, shows that migration policies in South Africa have become less restrictive. In line with previous findings from the DEMIG POLICY project (De Haas et al. 2014; 2016), this study suggests that entry and stay policies towards labour migrants have become less restrictive, due to an increased number of entry channels for highly skilled migrants, while border control measures have remained, over time, restrictive. So far, the South African government shunned temporary work programmes and political authorities have not facilitated the entry of low-skilled workers outside outdated bilateral agreements. They have rather preferred to regularise those already living in South Africa, including undocumented migrants, and outside normal work permit procedures. This trend indicates that policy interventions in the form of regularisation programmes are expected to continue and to expand, as indicated by the 2017 White Paper. Yet, the 2017 White Paper on international migration suggests that low-skilled migrants could benefit in future from a SADC special work visa and a from a multiple-entry SADC trader's visa for cross-border traders. Furthermore, the lack of a pathway to permanent settlement reflects policy intentions to put an end to any form of permanent migration for specific migrant groups, leaving low-skilled migrants with limited citizenship rights in a state of permanent temporariness. Finally, the analysis of all policy measures related to refugees and asylum seekers has highlighted a growing trend towards more restrictiveness through the limitations of their socio-economic rights.

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**Table A1:** DEMIG POLICY Database, South Africa

Source: Author's own compilation, based on DEMIG database [www.migrationdeterminants.eu](http://www.migrationdeterminants.eu)

Summary	Year	Description	Magnitude	Restrictiveness
Naturalisation after five years permanent residence	1949	Amendment to the South African Citizenship Act 44 of 1949 - granted automatic acquisition of citizenship through naturalization after at least five years of permanent residence. The purpose of this change was to render non-citizen male residents eligible for military service	Major change	Less restrictive (-4)
Creation of South African Citizenship	1949	South African Citizenship Act 44 of 1949 - created South African citizenship and stipulated that all previous British subjects could either become South African nationals or nationals of another Commonwealth Country. The act was amended in 1961, 1973, 1978, 1981, 1984, 1991, and 1993.	Major change	Less restrictive (-4)
<i>Ius sanguinis</i> laid down as general principle for citizenship	1949	South African Citizenship Act 44 of 1949 - granted citizenship through birth by virtue of having at least one South African parent	Major change	Less restrictive (-4)
Naturalisation by registration for commonwealth citizens	1949	South African Citizenship Act 44 of 1949 - allowed citizens of other Commonwealth states to acquire South African citizenship by registration under certain residency circumstances. This rule was abolished in 1961	Mid-level change	Less restrictive (-3)
Racial Population Registry Created	1950	1950 Population Registration Act - provided for the compilation of a register of the entire South African population. The Population Registration Act classified the population into four racial categories white, black, Indian and coloured. Classification was determined according to physical appearance and social acceptability (incl. linguistic skills). People were required to carry ID books which stated their race and place of birth. This act was formally repealed in 1991.	Major change	More restrictive (+4)
Black Required To Carry Reference	1952	Abolition of passes and coordination of documents Act of 1952 - required all black Africans (including those exempted under the pass laws, and women for the first time) to carry 'reference books' containing their photographs, and information about their places of	Mid-level change	More restrictive (+3)



Books For Identification		origin, their employment records, their tax payments and their encounter with the police.> The Act was abolished in 1986.		
Emigration Restricted Dramatically And Sanctions For Irregular Exit Introduced	1955	1955 Departure from the Union Regulation Act - made it an offence to leave South Africa without a passport or equivalent document. > A person who is refused a passport may be given an 'exit permit' and this shall be given to such a person if he satisfies the Secretary of the Interior that he intends to leave the country permanently. If he returns he is deemed to have left South Africa without a permit and is subject to the penalty for unlawful departure that is imprisonment for not less than three months and not more than two years. This act reflected the increasing control of the state over the movement of both non-South Africans and South African citizens.	Major change	More restrictive (+4)
Emigrants loose citizenship	1955	1955 Departure from the Union Regulation Act - allowed a person who is refused a passport to be granted an 'exit permit' but only if he intends to leave the country permanently. He does, however, forfeit his citizenship and thus becomes a stateless person under international law.	Major change	More restrictive (+4)
Expulsion power widened	1956	1956 Amendment - extended the powers of the Minister to issue a warrant "under his hand" for the deportation (and detention pending deportation) of any person if he considered it to be "in the public interest". The Act also gave the Minister the power to declare a person who was not a South African citizen by birth or descent, who had yet to acquire domicile (three years residence), and who was convicted of any offence in the Union an "undesirable inhabitant", and to deport the person under a warrant.	Minor change	More restrictive (+2)
Visa Requirement For Entry	1960	1960 Amendment to the 1913 Act - required persons entering the country to hold a valid visa or authorization. The Minister was given the power to exempt individuals and any "class of person" from this clause.	Major change	More restrictive (+4)
Immigration institution created	1961	Proactive white immigration policy initiated in 1961 - with the creation of a government department devoted entirely to immigration and the expansion of the six immigration offices already existing in Europe.	Mid-level change	Less restrictive (-3)

Assisted migration for European workers	1961	Proactive white immigration policy initiated in 1961 - Between 1961 and 1991, several programs were implemented to address the increasing scarcity of qualified white labor. Subsidies and direct state aid allowed for the settlement of tens of thousands of European immigrants. Skilled, white European immigrants were actively recruited and encouraged to immigrate to South Africa. Southern Europeans, less-skilled and predominantly Roman Catholic, were not.	Mid-level change	Less restrictive (-3)
Naturalisation by registration for commonwealth citizens cancelled	1961	Amendment to the South African Citizenship Act 44 of 1949 - cancelled the possibility for citizens of other Commonwealth states to acquire South African citizenship by registration under certain residency circumstances	Mid-level change	More restrictive (+3)
Introduction of border control with Botswana, Lesotho and Swaziland	1962	1962 Commonwealth Relations Act - ended uncontrolled trans-border movements in Southern Africa. Background: Until then, movement had been relatively free between South Africa and its Customs Union partners (Botswana, Lesotho and Swaziland).	Mid-level change	More restrictive (+3)
British have no special treatment anymore	1962	1962 Commonwealth Relations Act - brought British nationals, who had hitherto enjoyed special status, under the common immigration legislation.	Mid-level change	More restrictive (+3)
Citizenship withdrawn from those with dual nationality	1962	1962 Commonwealth Relations Act - granted the Minister the authority to withdraw South African citizenship from anyone holding dual nationality.	Major change	More restrictive (+4)
Detention and expulsion removed from judicial control	1963	1963 amendment - stipulated that the powers of arrest and removal which had been vested in immigration officers (or passport control officers) were entirely removed from judicial control	Major Change	More restrictive (+4)
Entry only for work purpose possible	1964	Residence in the Republic Regulation Act of 1964 - clarified that those entering under agreements with neighbouring countries could only enter for "employment purposes".	Fine-tuning	More restrictive (+1)





Labour recruitment agreement with Mozambique	1965	Agreement between the Government of the Republic of South Africa and the Government of the Republic of Portugal regulating the employment of Portuguese workers from the Province of Mozambique on certain mines in the Republic of South Africa (Treaty Series No. 11/1964, entered into force 1st January 1965)	Mid-level change	Less restrictive (-3)
Labour recruitment agreement with Malawi	1967	Agreement between the Governments of the Republic of South Africa and Malawi relating to the Employment and Documentation of Malawi Nationals in South Africa (Treaty Series No.10/1967, entered into force 1 August 1967)	Mid-level change	Less restrictive (-3)
New, albeit discretionary, possibility to get permanent residence	1967	In 1967, the Immigrants Selection Board was authorized to grant permanent residence to a person who had entered South Africa under a temporary permit and was still resident	Major change	Less restrictive (-4)
Sanction for irregular entry introduced	1967	1967 Border Control Act - made it a punishable offence to fail to enter the Union through an official port of entry (unless exempted) and to appear before a passport control officer	Mid-level change	More restrictive (+3)
Right to be represented by a lawyer in court	1972	1972 Admission of Persons to the Republic Regulation Act - gave the person appealing the decision the right to appeal before the board and the right to be represented "by counsel, an attorney or law agent."	Major change	Less restrictive (-4)
Less judicial control on immigration decisions	1972	1972 Admission of Persons to the Republic Regulation Act - removed the immigration process from the judicial system even further, as it stated that except on a point of law, no court of law could have "any jurisdiction to quash, reverse, interdict" or "interfere with" any proceeding, act, order or warrant of the Minister or board, passport control officer, or master of a ship" carried out under the Act.	Major change	More restrictive (+4)
Labour recruitment agreement with Lesotho	1973	Agreement between the Government of the Republic of South Africa and the Government of the Kingdom of Lesotho relating to the establishment of an office for a Lesotho Government Labour Representative in the Republic of South Africa, Lesotho Citizens in the Republic of South Africa and the movement of such persons	Mid-level change	Less restrictive (-3)

		across the international border (Treaty Series No. 1/1973, entered into force 24 August 1973)		
Labour recruitment agreement with Botswana	1973	Agreement between the Government of the Republic of South Africa and the Government of the Republic of Botswana relating to the establishment of an office for a Botswana Government Labour Representative in the Republic of South Africa, Botswana Citizens in the Republic of South Africa and the movement of such persons across the international border (Treaty Series No.3/1973, entered into force 24 December 1973)	Mid-level change	Less restrictive (-3)
Labour recruitment agreement with Swaziland	1975	Agreement between the Government of the Republic of South Africa and the Government of the Kingdom of Swaziland relating to the establishment of an office for a Swaziland government Labour Representative in the Republic of South Africa, certain Swaziland citizens in the Republic of South Africa, the movement of such persons across the common border and the movement of certain South African citizens across the common border, and addendum thereto (Treaty Series No.3/1986, entered into force 22 August 1975)	Mid-level change	Less restrictive (-3)
Employer sanctions introduced	1978	Aliens Amendment Act of 1978 - made it a prosecutable offence to employ, enter business with, or harbour an "alien" who did not have a permit allowing them to work or reside in the Union under the 1937 Act.	Mid-level change	More restrictive (+3)
Sanctions for those housing irregular migrants introduced	1978	Aliens Amendment Act of 1978 - made it a prosecutable offence for an occupier or owner of any premises to allow an "alien" to live on premises owned or controlled by them.	Major change	More restrictive (+4)
Citizenship withdrawn from those living in the homelands	1984	Aliens and Immigration Laws Amendment Act of 1984 - denationalized citizens from the homelands. People who were resident in the independent homelands lost their South African citizenship and so could have been declared "aliens". > This legislation remained within white South Africa until 1993, when the interim Constitution reintegrating the homelands came into effect. Thousands of these people were deported every year between 1984 and 1993 (Department of Internal Affairs and Home Affairs 1984–93).	Mid-level change	More restrictive (+3)



Employer sanctions raised	1984	Aliens and Immigration Laws Amendment Act of 1984 - reinforced domestic controls on immigrants by extending the prohibition on the employment of immigrants without valid permits issued under the Act.	Fine-tuning change	More restrictive (+1)
International fences built	1985	In 1985, the South African government installed 2,800-volt fences to seal off some portions of its international borders (with Zimbabwe, Mozambique, and Lesotho) and borders with three of the ten homelands (Bophuthatswana, Transkei, and Venda - ethnicity-based structures established as states for black South Africans with the idea of carving out an all-white South African republic).	Major change	More restrictive (+4)
Racial criteria removed from immigration laws	1986	1986 amendment to the Aliens Control Act of 1937 - deleted the definition of European from section 4(3)(b) and removed the racial criterion from the 1937 act, inducing that for the first time black people could officially immigrate into South Africa.	Mid-level change	Less restrictive (-3)
Black not required anymore to Carry reference books For identification	1986	The pass laws of 1952 are repealed.	Mid-level change	Less restrictive (-3)
Racial population registry abolished	1991	1950 Population Registration Act was formally repealed in 1991.	Major change	Less restrictive (-4)
Assisted migration for European workers ended	1991	Proactive white immigration policy initiated in 1961 to trigger the settlement of qualified white European immigrants was eliminated.	Mid-level change	More restrictive (+3)
Work and residence permit regulations	1991	1991 Aliens Control Act was the cornerstone of South African immigration policy until 2002 - granted a residence and work permit to applicants in possession of a permanent offer of employment made by a South African registered company. > The prospective employer must motivate why the position offered couldn't be filled by South African citizens/residents or why such persons cannot be trained to fill the position. An	Major change	Less restrictive (-4)

		administrative immigration application fee of R13 282 (\$1 155) is payable.		
Family reunification regulations	1991	1991 Aliens Control Act was the cornerstone of South African immigration policy until 2002 - granted a residence permit to family members (spouses, dependent children, parents, brothers and sisters) of South African citizens or permanent residents.> An administrative immigration application fee of R13 282 (\$1 155) is payable for parents, brothers and sisters only, but all family members must apply abroad.	Major change	Less restrictive (-4)
Investor and entrepreneur regulations	1991	1991 Aliens Control Act was the cornerstone of South African immigration policy until 2002 - grants residence permits to financially independent persons if they transfer a guideline amount of not less than R1 500 000 to the Republic of which R700 000 must be invested in the South African economy for a period of three years, either as a deposit with a financial institution or by any other means such as the acquisition of immovable property, or if they plan to establish own businesses in which case they are required to transfer minimum amounts sufficient to establish such businesses. > After three years of being granted an immigration permit the immigrants must show proof that this requirement has been complied with, failing which their immigration permits may be withdrawn. The administrative immigration application fee of R13 282 (\$1 155) is payable.	Major change	Less restrictive (-4)
Irregular migrants deprived of basic rights	1991	1991 Aliens Control Act was the cornerstone of South African immigration policy until 2002 - allowed in reference to public order (Section 47) restrictions on undocumented migrants' fundamental constitutional rights. In the tradition of past laws, their time in detention and the conditions of their deportation was left almost entirely to the discretion of immigration officers, the police, or the army. > The intrinsic contradiction between the act and both the interim Constitution and the 1996 Constitution played an important role in the decision to deeply reform immigration legislation beginning of 1996.	Minor change	More restrictive (+2)



Restoration of citizenship to those deprived in 1984	1993	1993 the Restoration and Extension of South African Citizenship Act - restored the citizenship to those who were deprived in 1984.	Mid-level change	Less restrictive (-3)
Establishment of refugee determination system by UNHCR	1993	Agreements signed between UNHCR and the South African government from 1993 onward - created a refugee determination system in South Africa	Major change	Less restrictive (-4)
Repatriation of Mozambique refugees	1994	In 1994, a regional voluntary refugee repatriation programme was operationalised by UNHCR and IOM for Mozambique refugees.	Mid-level change	Less restrictive (-3)
Low-skilled not admitted for work anymore	1994	In 1994, the Department of Home Affairs formalised an informal policy when it announced that no immigrants in unskilled or semi-skilled categories would henceforth be admitted to work in the country.	Mid-level change	More restrictive (+3)
Mozambique refugees not recognized anymore	1995	In March 1995, the South African government announced that it would no longer recognize Mozambicans as refugees.	Mid-level change	More restrictive (+3)
Minimal rights for irregular migrants	1995	1995 Amendment to the Aliens Control Act of 1991 - reformed Section 55 of the 1991 Act, problematic for the lack of appeal procedures it offered, and introduced the protection of certain fundamental constitutional rights introduced	Major change	Less restrictive (-4)
Longer detention for irregular migrants	1995	1995 Amendment to the Aliens Control Act of 1991 - prolonged the time spent in detention without trial by people suspected of being "prohibited" to 48 hours, renewable up to 30 days and then 90 days without judgment. By and large, the 1995 amendment was meant to confirm the political hardening of immigration initiated in 1991.	Minor change	More restrictive (+2)
No status change possible anymore	1995	1995 Amendment to the Aliens Control Act of 1991 - consolidated the categories for temporary residence and made it officially illegal for someone to enter the country for one purpose (eg on holiday) and change the purpose of visit after arrival (eg take up employment).	Major change	More restrictive (+4)
Adjustment of status for foreign mine workers	1995	1995 Amnesty Act - granted permanent immigrant status to foreigners who had worked in South African mines since 1986 and who voted in 1994 elections.	Mid-level change	Less restrictive (-3)

<i>Ius soli</i> possible for children of permanent residents	1995	South African Citizenship Act of 1995 - granted citizenship through birth in South Africa if both parents are permanent residents > De facto, the rule is relaxed in practice and citizenship can also be granted if only one parent is a permanent resident. However, children born from temporary residents or irregular migrants cannot access citizenship.	Major change	Less restrictive (-4)
Naturalisation after five years permanent residence	1995	South African Citizenship Act of 1995 - granted the possibility of citizenship through naturalization after at least five years of permanent residence, but removed the automatic acquisition introduced in 1978	Minor change	More restrictive (+2)
Naturalisation after two years permanent residence for spouses	1995	South African Citizenship Act of 1995 - granted citizenship through naturalization after at least two years of permanent residence for people married to South African citizens	Fine-tuning change	Less restrictive (-1)
Dual citizenship allowed	1995	South African Citizenship Act of 1995 - allowed dual citizenship for South African citizens	Major change	Less restrictive (-4)
Regularisation of SADC nationals	1996	1996 Amnesty - granted legal status to nationals of neighboring SADC countries who could prove that they lived in South Africa for at least five years (1 July 1991), were engaged in productive economic activity or had South African-spouses or dependents. > The Mandela government thought that it had to offer this amnesty because SADC countries sheltered South Africans escaping apartheid, but the Immigration Ministry opposed amnesty, predicting that there would be one million applicants.	Mid-level change	Less restrictive (-3)
Constitution guarantees equal social rights to foreigners	1996	1996 Bill of Rights of the Constitution - stated that everyone (not only every citizen) had equal rights. This applied to rights of education, health and social benefits, but no to the rights of occupation or political rights. However, many laws de facto restrict access of foreigners to social benefits.	Major change	Less restrictive (-4)
Emigrants do not lose citizenship anymore	1996	1996 Bill of Rights of the Constitution - states that no citizen may be deprived of citizenship and herewith removed the 1955 rule which deprived permanent emigrants from their citizenship.	Major change	Less restrictive (-4)
Right to emigration for all and right to	1996	1996 Bill of Rights of the Constitution - grants everyone the freedom of movement and the right to leave the republic. Citizens have the right to enter, remain in, and reside in the republic as well as the right to a passport. >	Major change	Less restrictive (-4)



passport for citizens		This removed the 1995 strict rules on exit and access to passports		
Amnesty for Mozambican migrants	1999	1999 amnesty - granted Mozambique nationals who had settled in South African border areas to escape Mozambique's civil war immigrant status. Background: Due to their skin color and the government's lack of a refugee policy, the Mozambican refugees who arrived in the 1980s were never granted full refugee status. Many lived in South Africa as undocumented migrants until 2000, when the government legalized their status by giving them permanent residence.	Mid-level change	Less restrictive (-3)
Refugee determination system created	2000	South African Refugee Act, No 130 of 1998 entered into force in April 2000 - created a refugee determination system in South Africa. Before, there was the 1993 agreement between the UNHCR and the SA government but it did not enshrine asylum seekers and refugees' rights in the SA legislation. > Background: Just one year after the publication of the Green Paper on International Migration (1997), new legislation was passed incorporating the standards of international conventions. With growing instability in the Horn of Africa and the Great Lakes region, it was facing unprecedented arrivals of asylum seekers.	Major change	Less restrictive (-4)
Temporary protection status created	2000	South African Refugee Act, No 130 of 1998 entered into force in April 2000 - created the status of temporary protection in case of a mass influx of asylum seekers	Major change	Less restrictive (-4)
Right to work for refugees	2000	South African Refugee Act, No 130 of 1998 entered into force in April 2000 - introduced the right of refugees to work	Mid-level change	Less restrictive (-3)
Access to social system for refugees	2000	South African Refugee Act, No 130 of 1998 entered into force in April 2000 - grants access to health and education system to recognizes refugees	Mid-level change	Less restrictive (-3)
Third country rule introduced	2000	South African Refugee Act, No 130 of 1998 entered into force in April 2000 - introduced safe third country rules into the asylum rules	Mid-level change	More restrictive (+3)
Biometric national id system started	2000	In 2000, the Home Affairs National Identification System (HANIS) was launched - replacing the paper system with a digital database and to ensure that every single new and existing fingerprint could be properly processed, verified and accessible in real time. Currently, over 50 million ten print records	Major change	More restrictive (+4)

		can be stored within the AFIS, with an initial workload of 70,000 searches per day. Background: The HANIS project started in 1996 with the release of a tender for an automated fingerprint system (AFIS), a two dimensional barcode ID card and system integration. Tender was awarded in January 1999.		
New work permit for shortage occupations with quota	2002	Immigration Act in 2002 - introduced four subclasses of work permits: A quota work permit may be issued if an applicant falls into a professional category or occupational class determined by the Minister of Home Affairs. Background: South Africa has instituted a plan known as the Accelerated and Shared Growth Initiative for South Africa (ASGI-SA) designed to boost the country's economy through, among other things, the recruitment of skilled foreign workers in key sectors. The number of work permits issued annually for each category is capped. Currently, the country has 35,000 open positions in fifty-three different categories. To obtain a permit under this program a person must have an educational qualification in a specific identified category and a minimum of five years practical experience.	Mid-level change	Less restrictive (-3)
New work permit for exceptional skills	2002	Immigration Act in 2002 - introduced four subclasses of work permits: Exceptional Skills work permits are issued to persons with exceptional skills or qualifications and to members of their immediate families. These permits may be issued for three-year terms and the applicant is required to, among other things, submit proof of exceptional skills issued by a South African or foreign government organ or a South African academic, cultural or business body.	Mid-level change	Less restrictive (-3)
New work permit for intra corporate transferees	2002	Immigration Act in 2002 - introduced four subclasses of work permits: an intracompany transfer work permit is issued to a foreigner employed by a company that operates in South Africa and whose employment requires him to work in South Africa for a maximum of two years.	Mid-level change	Less restrictive (-3)
Stricter conditions to hire mining workers	2002	Immigration Act in 2002 - made it more difficult for the mining companies to hire foreign workers: They now must apply for "corporate permits" which, once the government grants the permits, allow them to import a specified number of foreign workers.	Mid-level change	More restrictive (+3)





More legal requirements for deportation	2002	Immigration Act in 2002 - stipulates that an immigration officer has a legal obligation to deport illegal foreigners whether or not they have been arrested. A warrant is however required for detention and deportation. There are additional applicable due process requirements that must be met before an illegal foreigner can be deported.	Minor change	Less restrictive (-2)
Employer sanctions consolidated	2002	Immigration Act in 2002 - stipulates that it is an offence for employers to hire an illegal foreigner. Anyone who knowingly hires an illegal foreigner commits an offence and is, on conviction, subject to a fine or up to one year imprisonment. A second conviction is punishable by a fine or up to two years imprisonment, while a third conviction is subject to imprisonment of up to three years without the option of fines.	Fine-tuning change	More restrictive (+1)
Sanctions for educating, housing, helping irregular migrants etc.	2002	Immigration Act in 2002 - stipulates that it is an offence for an educational institution to register an illegal foreigner for classes, for banking and other institutions (such as hospitals) to provide an illegal foreigner with certain services, and for private citizens to have any dealings with an illegal foreigner other than providing humanitarian assistance. A violation of the any of the above bans by any individuals or institutions constitutes an offence punishable on conviction by a fine or up to eighteen months imprisonment	Major change	More restrictive (+4)
More possibilities for getting permanent residency	2002	Immigration Act in 2002 - grants permanent residency to those holding a temporary residence permit for at least five years and with secured permanent employment	Minor change	Less restrictive (-2)
Permanent residency for high skilled workers	2002	Immigration Act in 2002 - grants permanent residency based on an offer of permanent employment in a shortage occupation (quota job) or based on extraordinary skill and qualifications	Mid-level change	Less restrictive (-3)
Permanent Residency For Investors	2002	Immigration Act in 2002 - grants permanent residency based on a business investment. The person must have at least South African Rand (ZAR) 2.5 million (around US\$285,000) in cash or capital contribution or a combination of both. An applicant with a net worth of at least ZAR 7.5 million (around US\$854, 000) is also admitted	Major change	Less restrictive (-4)
Permanent Residency For Refugees	2002	Immigration Act in 2002 - grants the possibility for permanent residency to refugees after the generally required period of 5 years	Mid-level change	Less restrictive (-3)

Permanent residency for family members consolidated	2002	Immigration Act in 2002 - grants permanent residency those in a marriage/customary union/permanent homosexual relationship with a citizen or holder of a permanent residence permit for five years.	Major change	Less restrictive (-4)
Gradual removal of military presence at borders	2003	In 2003, the Thabo Mbeki administration decided that the deployment of the military at border crossings was to be gradually phased out and placed under the control of the South African Police Service (SAPS). It was announced that army units were to be completely withdrawn by 2009	Minor change	Less restrictive (-2)
Slightly lower requirements for SADC workers	2005	Immigration Amendment Act 2004 adopted in 2005 - contains measures facilitating access to permits for the SADC region's workers by lowering fees and some administrative requirements	Fine-tuning	Less restrictive (-1)
Longer waiting time for spouse to naturalize	2005	Immigration Amendment Act 2004 adopted in 2005 - increased to five years the length of time a person must be married to a South African citizen before being able to apply for citizenship (up from two years)	Fine-tuning	More restrictive (+1)
Basic health services and education for refugees	2008	Refugees Amendment Act, delete that refugees and asylum seekers receive the same basic health services and basic education which the inhabitants of the Republic receive from time to time"	Minor change	More restrictive (+2)
Right to work and study for asylum seekers	2008	Prescribed Section 24 permits lack any express reference to the fact that refugees are entitled to seek and take up employment, undertake self-employment and to study. This creates a problem with employers and learning institutions which assume that refugees are not allowed to work and study.	Minor change	More restrictive (+2)
Moratorium on deportation of Zimbabweans	2009	Under pressure from NGOs, the government announced a moratorium on the deportation of Zimbabweans in April 2009 - granting temporary permits to certain categories of foreigners for a period of two years. In the meantime, Zimbabweans were no longer deported and were given authorization to work, although they were not given work permits	Mid-level change	Less restrictive (-3)
Military presence at borders reintroduced	2009	In September 2009, a presidential order authorised the SANDF's (South African National Defence Force) continued presence at the borders until after the 2010 World Cup. In November 2009, it was officially confirmed that the SANDF was once again the primary statutory agency for 'borderline control and protection'. The military redeployment is intended to be complete by 2014, which will result in 22 infantry companies being	Minor change	More restrictive (+2)



		active at land borders. This was a return to the pre-2003 situation.		
Regularisation of Zimbabweans	2009	A fourth regularization process, restricted to Zimbabwean nationals, took place in 2010.	Mid-level change	Less restrictive (-3)
<i>Ius soli</i> possible for children of permanent without permanent residency	2010	South African Citizenship Amendment Act of 2010 - granted citizenship through birth in South Africa if he or she has lived in the Republic from the date of his or her birth to the date of becoming a major; and his or her birth has been registered in accordance with the provisions 35 of the Births and Deaths Registration Act, 1992.	Major change	Less restrictive (-4)
Citizenship For Stateless	2010	He or she does not have the citizenship or nationality of any other country. or has no right to such citizenship or nationality; and his or her birth has been registered in accordance with the provisions 35 of the Births and Deaths Registration Act, 1992	Mid-level change	Less restrictive (-3)
Naturalization for children of permanent resident	2010	A child born in the Republic of parents who are not South African citizens or who have not been admitted into the Republic for permanent residence, qualifies to apply for South African citizenship upon becoming a major if- (a) he or she has lived in the Republic from the date of his or her birth to the date of becoming a major; and (b) his or her birth has been registered in accordance with the provisions 35 of the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992).	Mid-level change	Less restrictive (-3)
Replacement of exceptional skills by critical skills visa	2011	Immigration Amendment Act of March 2011 - abolished the exceptional skills permit and replaced it by a single category called "critical skills work visa", which is likely to imply higher standards for qualification. The exact manner in which this consultation between the ministers will take place and the basis on which the Minister of Home Affairs will then establish desirable and undesirable professions and numbers remains to be	Fine-tuning change	More restrictive (+1)

		specified in the act's regulations, which are not yet published.		
Abolishment of quota permit	2011	Immigration Amendment Act of March 2011 - abolished the quota permit Previously, the quota permits relied on quota lists that Home Affairs annually determined, using indications of sectoral skills needs provided by Sector Education Training Authorities (SETAs) through the Department of Labour. There is no indication that these lists will continue to inform any type of work permit issuance.	Mid-level change	Less restrictive (-3)
Pre-Screening for asylum seekers introduced	2011	Immigration Amendment Act of March 2011 - introduced the "pre-screening" of asylum-seekers at the point of entry through border officials, giving these officials the right to refuse entry of an asylum-seeker if not deemed "proper". Whereas under the old act an asylum-seekers' claim was assessed for the first time at a refugee reception office, this change now essentially gives immigration officers the leverage to decide to turn an applicant away at the border post (i.e. contravene the principle of <i>non-refoulement</i> ).	Major change	More restrictive (+4)
Shorter time for asylum seekers to apply for asylum	2011	Immigration Amendment Act of March 2011 - reduced the time that asylum seekers have to lodge an application with Home Affairs from 14 to 5 days after entry.	Minor change	More restrictive (+2)
Carrier sanctions introduced	2011	Immigration Amendment Act of March 2011 - addresses the technical deficiencies of existing legislation, particularly in terms of government's responsibility vis-à-vis carriers (termed "conveyance" in the act) of undocumented migrants.	Mid-level change	More restrictive (+3)
Stricter employer sanctions	2011	Immigration Amendment Act of March 2011 - It also toughens up penalties against employers. However, the amendment will probably not deter employers from hiring migrants illegally.	Fine-tuning change	More restrictive (+1)
Stricter sanctions for overstay	2011	Immigration Amendment Act of March 2011 - restricts penalties against undocumented migration by further increasing the maximum penalty to four years imprisonment for those who overstay.	Minor change	More restrictive (+2)



Moratorium on deportation of Zimbabweans ended	2011	The moratorium on deportation of Zimbabweans ended in January 2011 and deportations resumed.	Mid-level change	More restrictive (+3)
Regulations on the South African Citizenship Act 1995	2012	The period of ordinary residence referred to in Section 5(1) of the Act is 10 years immediately preceding the date of application for naturalisation. This provision contradicts the Act of 2010 which prescribes only 5 years of consecutive residence	Minor change	More restrictive (+2)
Regularisation of former Angolan refugees	2013	In 2013, Home Affairs decided that former Angolan refugees no longer needed the protection of the South African government, as Angola was considered politically stable. Those Angolans who had been recognised refugees in South Africa were advised to apply for a special type of visa (Angolan Cessation Process Permit) which would allow them to legally work and study in South Africa for another two years, while making plans to return to their country. ACP permit was non-renewable	Mid-level change	Less restrictive (-3)
Regulations Citizenship Act 2010	2013	Citizenship Amendment Act, which came into force on 1 January 2013, provided a new pathway to citizenship: children born and registered in South Africa to parents who were neither South African citizens nor permanent residents at the time of birth and who live their whole life in South Africa until they turn 18 have the right to apply for “citizenship by naturalisation”	Major change	Less restrictive (-4)
Regularisation of Zimbabweans	2014	A regularization process, restricted to Zimbabwean nationals, took place in 2014. As part of the DZP, the Home Affairs department waived some permit requirements and application fees. Zimbabweans were also allowed to submit their applications without all the usual supporting documents, such as passports, to speed up the process. (In many instances those documents had been lost in the scramble to safety in South Africa.)	Fine-tuning change	Less restrictive (-1)
Regularisation of Lesotho Nationals	2015	A regularization process, restricted to Basotho nationals, took place in 2015. As part of the LSP, the Home Affairs department waived some permit requirements and application fees. The special permit will be valid for four years - expiring on 31 December 2019	Mid-level change	Less restrictive (-3)
Students can apply for PRP	2016	students who are studying towards certain occupations (critical skills list) to apply for a PRP	Mid-level change	Less restrictive (-3)

Long term visas	2017	This must be a special visa that could be fast-tracked and must enable the applicant and the immediate family to apply as one unit. The family members (first step of kinship) must be able to work and study using the long-term residence visa	Mid-level change	Less restrictive (-3)
Visa waiver for all citizens of the Russian Federation and Angola	2017	visa waiver for all citizens of the Russian Federation and Angola	Mid-level change	Less restrictive (-3)
Regularisation of Zimbabweans	2017	DHA announced the availability of the new Zimbabwean Exemption Permit (ZEP) which allowed ZSP holders to work, study and conduct business for an additional period of four years until 31 December 2021.	Fine-tuning change	Less restrictive (-1)
Regularization of Angolans	2017	Angolan special permits extended for 4 years until 2021	Fine-tuning change	Less restrictive (-1)
Regularisation of Lesotho nationals	2019	South Africa extended the Lesotho Special Permit (LSP) programme for another four years beginning December 2019	Fine-tuning change	Less restrictive (-1)
Visa waiver for certain countries	2019	all citizens of Saudi Arabia, United Arab Emirates, Qatar, New Zealand, Cuba, Ghana and Sao Tome and Principe	Mid-level change	Less restrictive (-3)
Regulations on the Refugees Amendment Act	2020	1 January 2020 regulations to the Refugees Act were promulgated.	Major change	More restrictive (+3)

