Investigating Effective Management of Deportation in Gauteng Province of South Africa

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Abstract

The deportation process is currently encountering the issue of revolving door syndrome, as well as significant financial constraints that hinder its ability to accomplish its duty. This has a substantial influence on the administration of deportation in the nation. Hence, the aim of this research was to examine the efficient administration of repatriation in the Gauteng region of South Africa. This study was a quantitative cross-sectional survey that encompassed all managers within the department of home affairs in the Gauteng province. The data were gathered through a self-administered questionnaire that ensured anonymity. The data were analysed using the SPSS software package. The anonymous questionnaire was completed by a total of 62 managers. The findings indicated that the existing methods for detecting illegal immigration were ineffective. Most interviewees expressed that there was a shortage of personnel conducting immigration services activities. Inadequate financing, insufficient IT infrastructure, and failure to apply the immigration laws were contributing factors to the subpar administration of deportation in the country. The reasons for undocumented immigrants coming to South Africa include being deported without their things and having family in South Africa. The study has yielded useful recommendations for enhancing the process of deportation within the province, as well as for the entire country.

Keywords

Deportation, funding, undocumented immigrant. pull factor

JEL Classification

M14

Introduction

The Department of Home Affairs (DHA) of the Republic of South Africa is legally obligated to manage the process of deportation. This responsibility is outlined in section 34 of the Immigration Act 13 of 2002, as modified. The DHA operates in two primary sectors, namely Civic services, and Immigration Services (IMS). Deportation management is a component of the IMS branch. IMS consists of three other business units: Port Control, Permitting (Visas), and Asylum Seekers Management and Inspectorate. The Inspectorate is constituted in accordance with section 33 of the Immigration Act 13 of 2002, as modified. The Inspectorate, which is the law enforcement division of the Department, is responsible for the management of deportation [1]. The primary duty of the inspectorate is to adhere to the provisions outlined in the immigration Act. The deportation directorate is tasked with the job of repatriating Illegal Foreigners (IFs) who are identified and apprehended for violating the Immigration Act.

Literature review

Deportation is a widespread practice observed by numerous governments worldwide, including South Africa, as a means of controlling the influx of unauthorised migrants. The issue of migration into the Republic of South Africa emerged throughout the initial stages of democracy and has subsequently gotten exceedingly intricate to manage. An increase in economic migrants, refugees, legal residents, students, and other individuals has been seen. South Africa has experienced an enormous increase of its undocumented population during the previous three decades. The illegal migrants are economic migrants who unlawfully enter the republic in search of better economic opportunities. Gordon (2016) defines migrants who seek protection in South Africa from their home country as asylum/refugee migrants [2]. Nevertheless, the primary issue in South Africa has been the expulsion of undesirable immigrants or aliens.

Furthermore, deportation is commonly linked to individuals seeking asylum or refugees, rather than those who are undocumented immigrants. Before 2000, the regulation of refugees, asylum seekers, and undocumented immigrants in South Africa was governed by the Aliens Control Act Movement [3]. The Refugee's Act was implemented in 2000, followed by the implementation of the Immigration Act in 2002. The movement of individuals from one country to another is governed by sovereign nations to control migration. Each sovereign state issues travel documents to their citizens for the purpose of travel. Other states recognise travel documents with certain conditions [4].

People relocate for many reasons such as armed conflict, oppression, environmental catastrophes, economic considerations, or other concerns. The latter refers to individuals who are actively seeking a more prosperous means of living, and their actions are carefully organised and strategized. The intended travelers possess valid travel documentation, including a visa in many cases. When a person travels without a travel document, their travel becomes irregular. The individuals are then referred to as undocumented migrants. Undocumented migrants, also known as irregular migrants, are those who lack passports or possess passports without a valid permit or visa to be in the Republic of South Africa, as stipulated by the Act. Undocumented migrants or irregular migrants who are identified and apprehended are commonly referred to as illegal foreigners (IF) according to South African Immigration rules [5]. Moreover, there is a component of compelled migration that generates individuals seeking asylum or refugees. Typically, these categories refer to those who are in search of refuge from foreign nations. Differentiating between unlawful migrants and asylum seekers and refugees is of immense importance [6].

There exist potential recurrent deportees, often referred to as the "Revolving Door" condition. The exact quantity of recurrent deportees and the factors behind their persistent re-entry are undisclosed

[7]. However, a significant obstacle is the occurrence of re-arrests among deportees, resulting in wasteful expense. This results in a compromise of the state's efficiency in ensuring the safety of its inhabitants and tourists. One solution is to ensure that deportation is economically efficient to fulfil the objectives of the Department of Home Affairs (DHA). To fulfil the objectives of the Department of Home Affairs (DHA), it is important that deportation measures are implemented in a manner that is both efficient and economical [8].

The present deportation process in South Africa has various obstacles. The undocumented immigrants are accommodated in Lindela's facility prior to deportation, but the establishment lacks a centralised management system capable of monitoring and locating undocumented immigrants upon their initial attempt to re-enter the system after their initial deportation. This issue has a detrimental impact on the morale of immigration officials who repeatedly hold the same individual for the same offence [7].

Moreover, this vulnerability in the system could potentially provide an opportunity for unscrupulous people to use it for personal gain. Either coercing funds from the wrongdoers or by establishing a lucrative scheme for personal gain exploiting the inefficiency of the system [9]. This occurs because individuals may have frequently seen a pattern that consistently proves to be ineffective and have discovered a means to exploit it to their advantage. The primary obstacle associated with this issue persists unchanged and has a detrimental impact on the South African economy. Hence, it is crucial to examine the administration of deportation within the nation.

Research Methodology

This study adopted a cross-sectional quantitative design and included all immigrant officials who were employed at the DHA. There were 74 officials employed at the time of study conducted. Since population size was small, survey sampling method was used to select the samples for the study where all the participants were part of the study. Data were collected using anonymous questionnaire. The questionnaire was hand delivered to all the participants. The questionnaire was constructed to assess knowledge, attitudes, and practice of DHA towards deportation of undocumented immigrants in South Africa. The three-key variables of study were knowledge, attitudes, and practices. The questionnaire was a 5-point Likert scale for knowledge towards immigration law and deportation.

In this study, a pilot study was conducted among 10 participants in the month of June 2020 to test the reliability of the research instrument as well as other logistical issues. The results indicated that overall, the respondents were well versed with matters of policies and regulations related to immigration matters. No amendment was required in the questionnaire.

The data was analysed through SPSS. The process involved data coding and data cleaning using an excel spreadsheet from where the raw data which was later imported to SPSS from an excel spreadsheet. The accuracy of the data was checked, and comparison made between the original data from SPSS and the excel spreadsheet.

The data was recoded, and mistakes were rectified. After that the preliminary data analysis to extract frequencies and other descriptive statistics was conducted. The second data analysis was performed to identify the relationships between income, gender, education level, age to knowledge, attitude/perception, and practices towards deportation. This was done through inferential statistics to obtain relationships and see the correlation between these variables.

The study received ethical approval from the MANCOSA ethics committee. Participation in the study was optional, allowing participants to withdraw at any moment without facing any consequences. Throughout the entire process, strict measures were taken to ensure the preservation of both anonymity and confidentiality.

Results and Discussion

A total of 74 questionnaires were delivered to every single manager. Only 65 individuals submitted the whole complete questionnaire. Out of the total of 65 questionnaires, two were deemed incomplete and were eliminated from the study. Hence, an 85% response rate was attained.

The participants were queried regarding the efficacy of the present methods employed for detecting unauthorised immigration. A study revealed that 30% of the participants expressed significant disagreement, while an additional 27% of the respondents disagreed about the effectiveness of the current detection methods. 28.6% of the respondents expressed agreement, with equal proportion strongly agreeing. Understanding the deportation procedure is crucial for enhancing the efficacy of deportation [10].
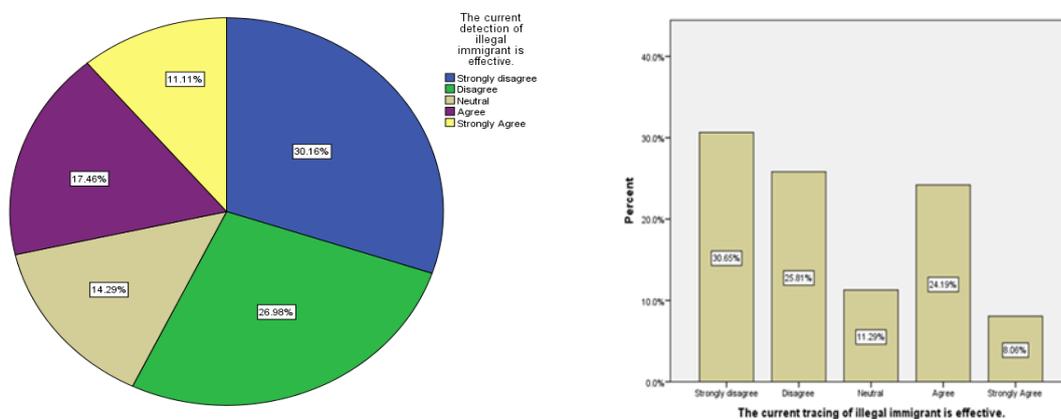
Figure 1: The Current Detection of Illegal Immigrant mechanism

Regarding the efficacy of tracing undocumented immigrants, 31% of the participants expressed significant disagreement, while an additional 26% disagreed. The issue of tracking undocumented immigrants in South Africa is a widespread concern. 32.3% of the participants concurred that the existing mechanism for identifying unauthorised immigrants was efficacious. The existing system lacks efficacy in tracking undocumented immigrants [11].

Over half (52%) of the participants expressed an unfavourable view regarding the efficacy of the ongoing inquiry into undocumented immigrants, according to the findings. Only 10% of the participants expressed significant agreement over its effectiveness. This issue is of great concern as it significantly affects crucial data regarding the population of undocumented immigrants in the nation [12]. When questioned about the efficacy of the apprehension of the undocumented migrants, 19% expressed severe disagreement while 22% disagreed with the assertion. A mere 9.5% of the participants expressed strong agreement, while an additional 29% indicated agreement with the statement. The officers of the DHA should possess knowledge on the protocol for apprehending undocumented immigrants to ensure the safety and well-being of said immigrants [3].
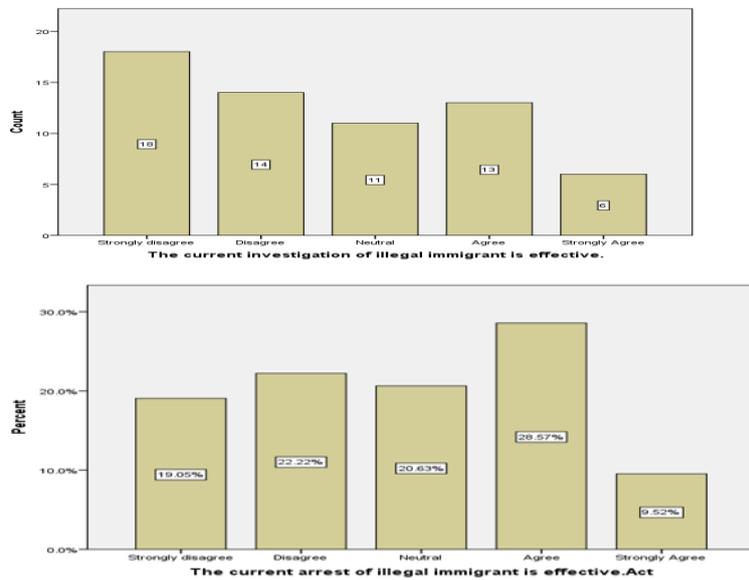
Figure 2: The effectiveness of the Current Investigation of Illegal Immigrant Process

The present study revealed that 39% of the participants expressed agreement with the effectiveness of the existing incarceration of undocumented immigrants, while 6.5% strongly endorsed this assertion. The Immigration Act serves as a means for officials from the Department of Home Affairs (DHA) to conduct the arrest and expulsion of unauthorised immigrants in South Africa [13].
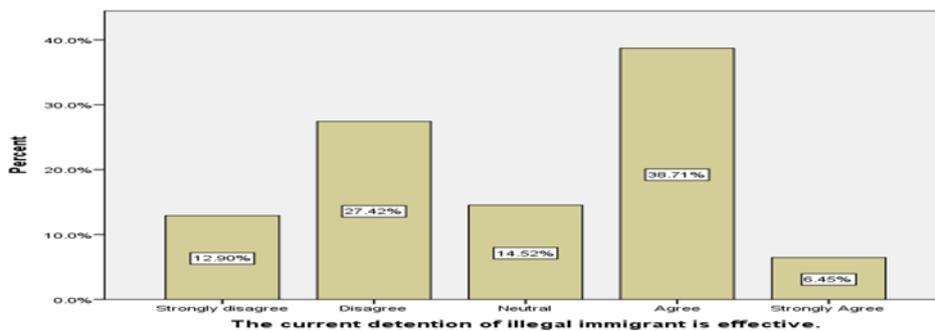

Figure 3: The effectiveness of the Current Detention of Illegal Immigrant process

When asked about the effectiveness of the current deportation of undocumented immigrant, 24% of the participants strongly disagreed and another 24% disagreed to the statement. It was also found that 24% of the participants agreed to the statement and 11% strongly agreed to it. The deportation of undocumented immigrants is not effective because the cost is high and the majority of those deported turn up at the porous borders and re-enter South Africa only a few months after deportation [14].
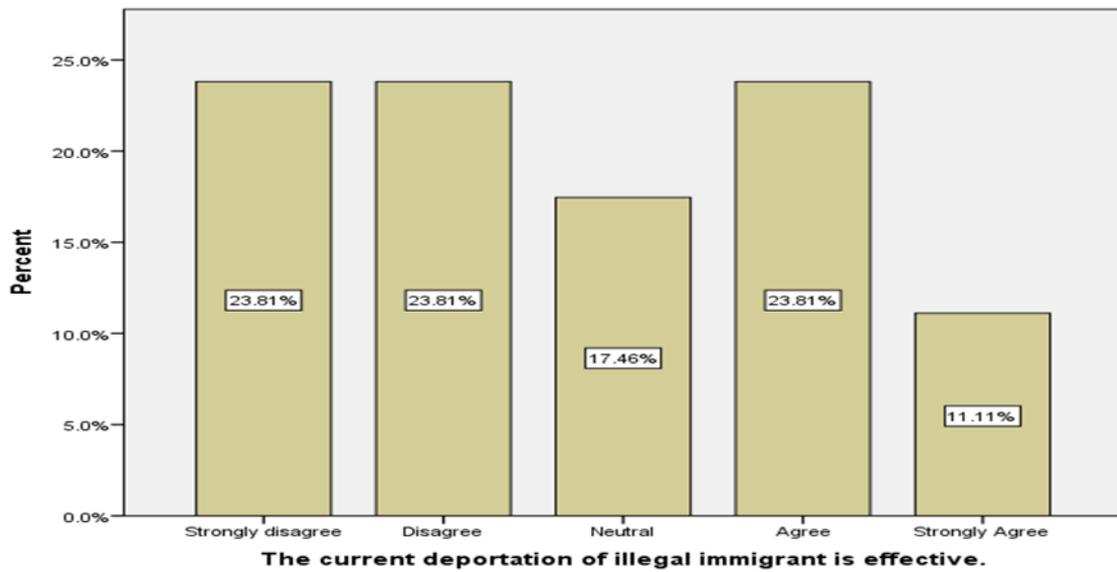
Figure 4: The effective the Current Deportation of Illegal Immigrant Process

Most of the respondents (51%) strongly disagreed that DHA IT systems are sufficient and linked to conduct IMS tasks and another 25% disagreed with the statement. The border control systems are a key tool for immigration officials in executing immigration related tasks at ports of entry and check of validity of travel documents and other [12].
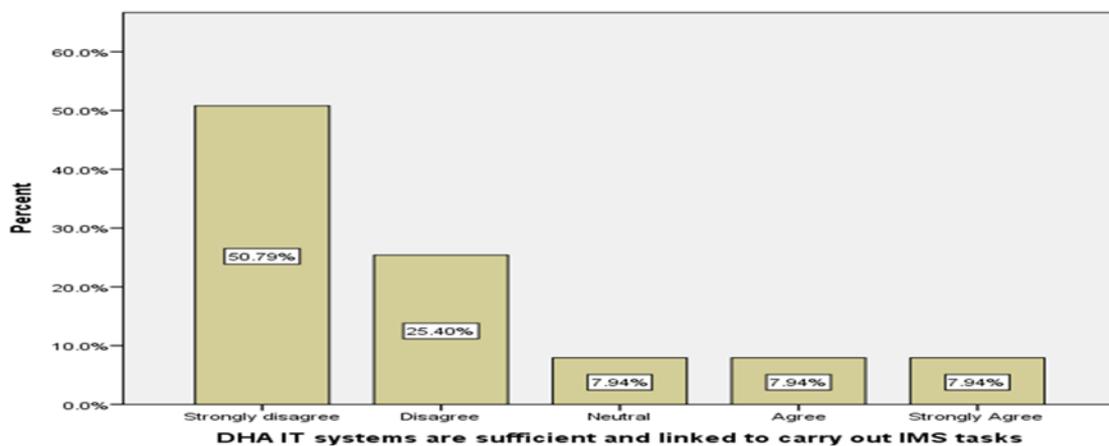

Figure 5: DHA IT Systems are Sufficient and Linked to Conduct IMS Tasks

The findings indicated that 46% of the respondents expressed severe disagreement over the tracing of family/friendship connections of arrested undocumented immigrants and the subsequent investigation of their legal status. Additionally, another 29% of the participants disagreed with this assertion. The inmates should be granted access to their family members to get support throughout the deportation process [15].
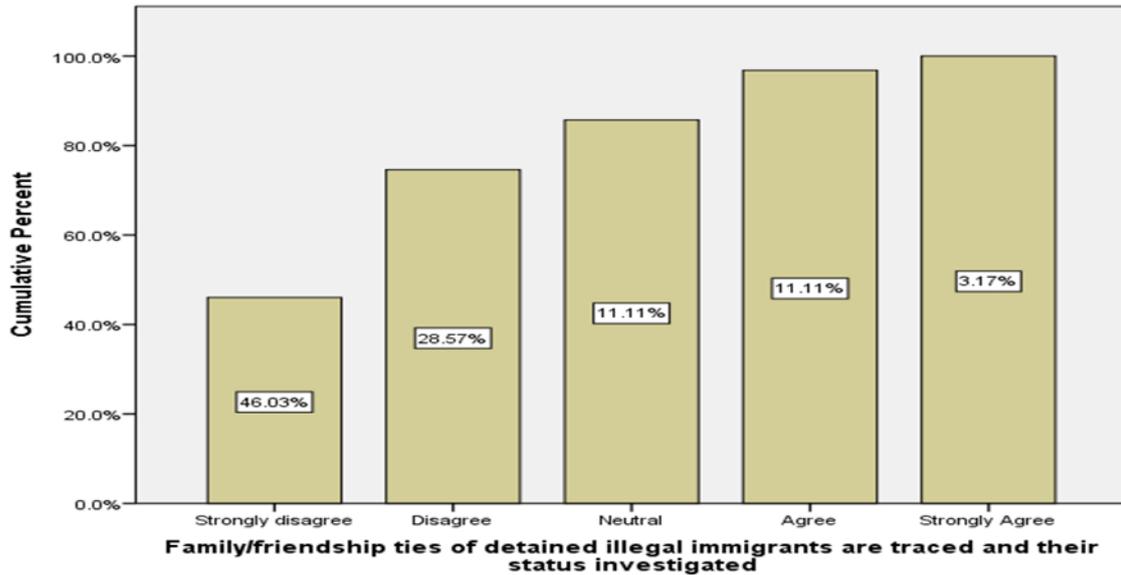
Figure 6: Family/Friendship Ties of Detained Illegal Immigrants are Traced and their Status Investigated

It was unexpected to see that a mere 48% of the participants provided a favourable response indicating that undocumented immigrants are prosecuted for violating the immigration legislation. Approximately 27% of respondents were unaware that undocumented immigrants can be prosecuted for violating the immigration statute. Strict adherence to the law is crucial when it comes to prosecuting undocumented immigrants for offences committed within the borders of South Africa. Authors provide evidence that certain undocumented immigrants engage in criminal activities due to their inability to secure employment upon arrival in South Africa [3].
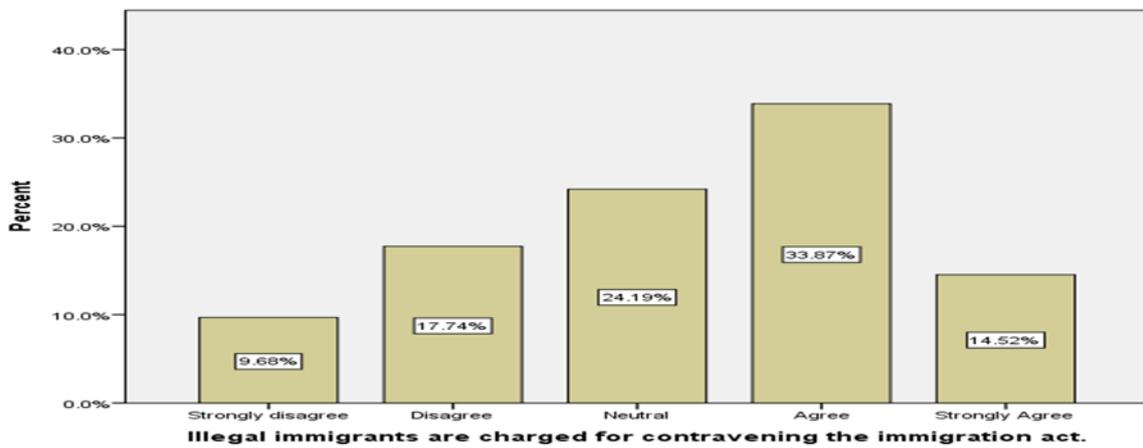

Figure 7: Undocumented Immigrants are Charged for Contravening the Immigration Act.

With regards to cost recovery, a significant majority of participants, namely 54%, expressed strong disagreement with the notion that the Department of Home Affairs (DHA) should recoup the expenses associated with detaining, maintaining, and deporting undocumented immigrants. Additionally, an additional 19% of participants also disagreed with this statement. Merely 11% of the participants showed significant concurrence with the proposition. The DHA has significant financial burden in recovering costs from immigrants, particularly undocumented immigrants who have not complied with the legal requirement of depositing repatriation funds [16].
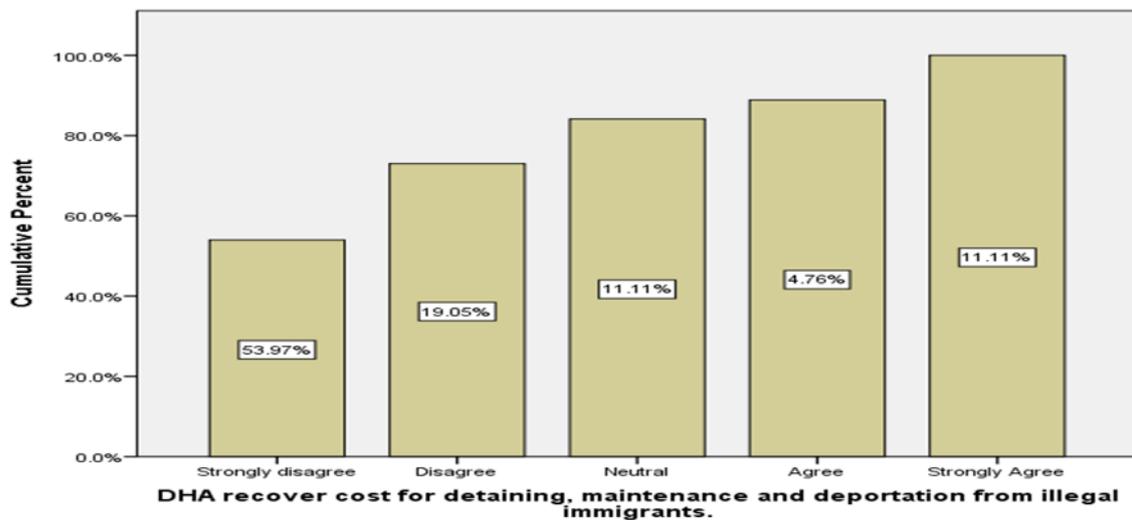
Figure 8: DHA Recover Cost for Detaining, Maintenance and Deportation from Illegal Immigrants

When questioned regarding the presence of a mechanism to identify a recurrent deportee, 54% of the respondents expressed significant disagreement, while an additional 22% disagreed with the assertion. The border control system exhibits vulnerabilities, resulting in the presence of recurrent offenders and instances of DHA. Fingerprints and facial recognition technologies are extensively utilised in numerous countries to mitigate the influence of undocumented immigrants [12].
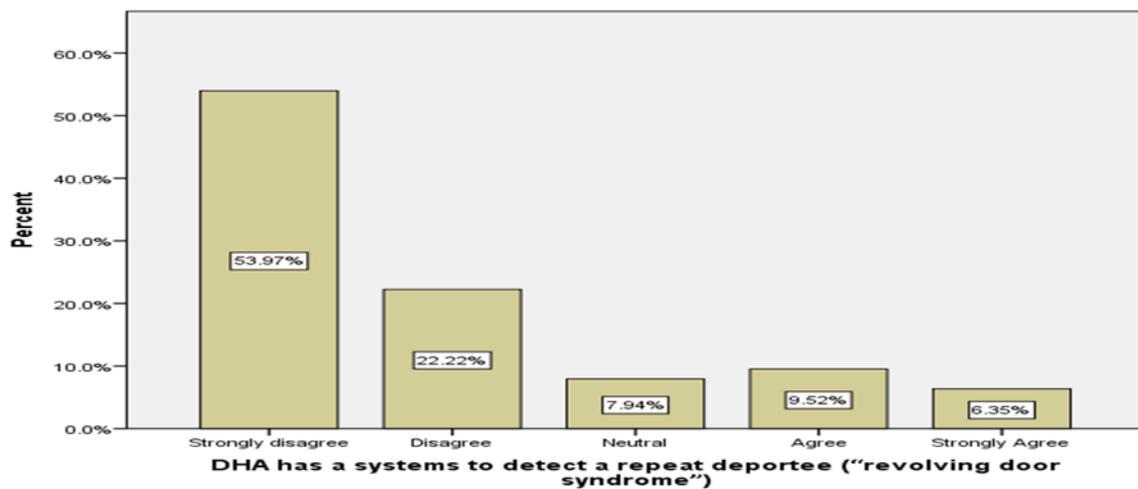

Figure 9: DHA has a Systems to Detect a Repeat Deportee ("Revolving Door Syndrome").

Most of the participants (68%) expressed a positive view that DHA provides undocumented immigrants with the chance to appeal their deportation, but a small percentage (9.5%) strongly disapproved with this notion. Immigrants are obligated by law to file an appeal against their deportation prior to the conclusion of the process. The Immigration Act mandates the Department of Home Affairs (DHA) to adhere to procedural fairness when managing the expulsion of undocumented immigrants [17].
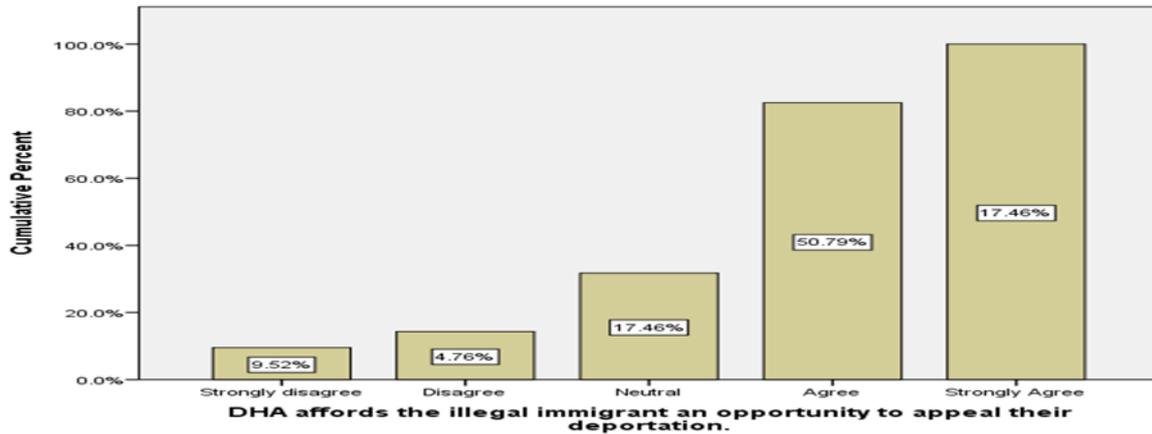
Figure 10: DHA Affords the Illegal Immigrant an Opportunity to Appeal Their Deportation

When questioned about the statement "Deporting an illegal immigrant while leaving his family in the Republic is a factor that encourages re-entry into the RSA," 52% and 27% of the respondents strongly agreed and agreed with the statement, respectively. In addition, 13% of the participants expressed severe disagreement with this assertion. Immigrants returning to South Africa after deportation are motivated by many pull reasons, one of which is the significant role of family connections [18].

Figure 11: Deporting an Illegal Immigrant Leaving his is Family in the Republic is a Pull Factor to re-enter the RSA

When asked if DHA has failed to tackle the problem of illegal immigration in South Africa, 46% strongly agreed and another 27% of the respondents agreed to this. The DHA must advance new policies and systems to tackle illegal immigration in South Africa. The challenges are the lack of resources [19].
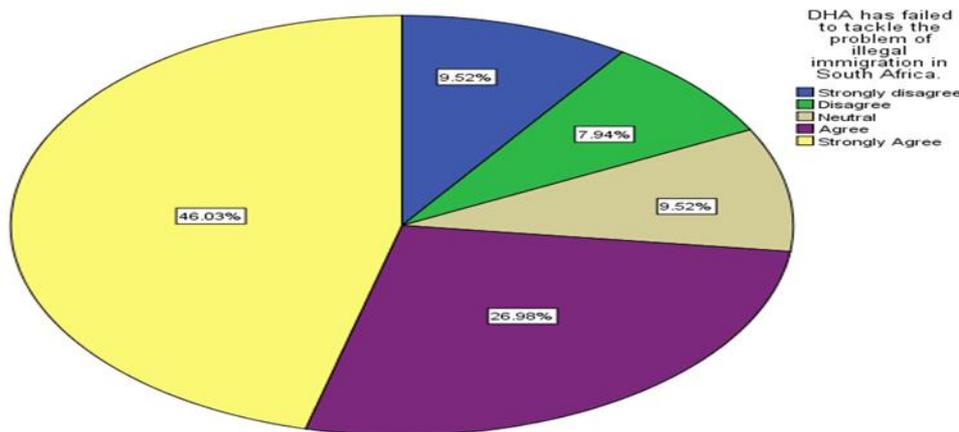
Figure 12: DHA has Failed to Tackle the Problem of Illegal Immigration in South Africa

Conclusion

The study yielded valuable insights on the deportation process in South Africa. The major findings indicate that migration in South Africa is hindered by various obstacles, including a porous border, insufficient resources, and ineffective mechanisms for timely detection, detention, and deportation of undocumented immigrants.

Recommendation

It is advisable to combine all DHA systems. Border management agencies require creation. Enhance the skills and abilities of human resources, particularly in the field of IMS. The existing regulations require reassessment and should be modified if needed. Enhancing cooperation with law enforcement agencies to address illicit migration and immigration, Efficient management of the port of entry is necessary.

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