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The Politics of Exclusion in South Africa: A Dilemma for Permanent Immigrants

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Despite the fact that South Africa prides itself as a rainbow nation, identity politics remains a vice in the country. The paper examines how permanent immigrants in South Africa have been systematically excluded from fully participating in the country's socio-political economy by being denied citizenship by birth for their children, politically scapegoated, institutionally discriminated and culturally side-lined. It argues that the South African government lacks both the capacity and the will to integrate permanent immigrants into the country. The exclusion of permanent immigrants debunks the notion that the country belongs to all who live in it. The paper recommends that the South African government should address inequality and unemployment in the country to curb the negative stereotypes that natives have towards immigrants. Awareness campaigns using a bottom-up approach should be held to educate citizens on the rights of permanent immigrants to foster integration and social cohesion. Efficiency in the processing of visas is imperative to counter institutional discrimination and social stigmatization.

Introduction

The Republic of South Africa prides and parades itself as a rainbow nation. This is because a key landmark of the post-Apartheid era was a national identity cemented by unifying the diverse cultural, racial and ethnic groups in the country. The country's first democratic constitution which was promulgated in 1996 has also been hailed as the most progressive in the world as it is imbued with wide-ranging socio-economic and political rights.[1] The Freedom Charter, a blueprint for the country's constitution promulgated in 1955, states that "South Africa belongs to all who live in it". Unfortunately, that is just in theory. Identity politics in South Africa is evident in intractable poverty and inequality, sporadic outbursts of racism, polarized views over proposals for the expropriation of land and ire over the renaming of towns with Afrikaner or Dutch names to indigenous African names. Polarisation in identity goes as far as sexuality where people from the lesbian, gay, bisexual, transgender and queer (LGBTQ) community, for instance, fight to be accepted in society. In some universities,

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1. South African Human Rights Commission, "Inequality remains a challenge in South Africa, says Human Rights Commission", 2022.

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students have been demanding the removal of colonial statues.[2] A critical assessment of the country's socio-political and economic landscape reveals that just like many other African countries, identity informed by the politics of indigenization, is a mainstay in South African politics.

South Africa plays host to perhaps the most diverse range of migrants when compared to other African countries. The country is a migration hub that draws skilled and unskilled labourers largely from Southern, East, Central, and Western Africa and even as far as Pakistan, Bangladesh and China.[3] For most of these migrants, South Africa is their preferred destination because of its economic and political stability and a progressive renowned constitution that offers civil, political and economic rights. South Africa's labour market is similar to developed countries such as the United States of America, Germany and United Kingdom which depend on foreign labour for development. Hence, available economic opportunities attract both skilled and unskilled migrants. The Department of Home Affairs grants specific visa and citizenship statuses to immigrants who apply and meet the requirements to make their stay permanent in the country. However, the paper hypothesizes that permanent immigrants (for the sake of this article, permanent immigrants will be used in reference to those who are holders of South African permanent residency visas as well as naturalized citizens) do not enjoy the perks that come with this status as they are negatively stereotyped and marginalised emanating from the country's entrenched politics of exclusion. The central research question that this paper addresses is, in what ways have permanent immigrants been systematically excluded from full participation in South Africa's socio-political economy?

During Apartheid, Africans who came to South Africa were not regarded as immigrants but temporary contract workers. The idea of immigrants was officially accepted in 1991 and migrants were only recognised formally in 1993 and integrated in the country.[4] Regardless of this, it appears the notion of a Rainbow Nation remains more of a myth than a reality. This is because the heightened sense of ethnic and national identity endemic in South Africa has exacerbated the dichotomy of 'us and them' making it problematic for full integration to take place. This is part of the reason why permanent immigrants residing in South Africa are often met with insistent questions like 'where are you from?' and 'when are you going home?'. This is a stark reminder that some

2. Campbell, J. "Identity Politics in South Africa". *Council on Foreign Relations*, 24, January 2017.

3. Segatti, A. "Migration to South Africa: Regional Challenges versus National Instruments and Interests", in *Contemporary Migration to South Africa: A Regional Development Issue*, 2011.

4. Matema, T. "South Africa's policy on migrants is inadequate and at odds with the Freedom Charter". *Mail & Guardian*, 27 May 2021.

citizens are more equal than others.[5] Such cleavages debunk the notion that the country belongs to all who live in it.

Literature Review and Theoretical Framework

Africa's modern states are a consequence of colonialism which imposed arbitrary borders, bifurcated states and separated indigenous communities on the continent. Mamdani argues that "colonial rule strengthened and polarised an apparent physical difference into an antagonistic political relation".[6] It is through colonialism that identity schisms were entrenched within and between African communities, driven by the notion of sons and daughters of the soil. Though ideology was a more prevalent source of conflict during the Cold War era, identity-based politics re-emerged more prominently from the 1990s. Du Plessis states that "the return to identity did not mean that it was absent or dormant during the Cold War era".[7] It builds upon the nature of the 'self against the other'. It is closely tied to the freedom connected with liberal democratic politics that emphasizes economic, social, and political rights in the political system.[8]

Unquestionably, sub-Saharan Africa was stripped of its identity and became a relic of colonialism. Drives to universalize Western values under the guise of globalization have further exacerbated the identity crisis on the continent. Africans now have to negotiate their identity vis-à-vis the global identity. It has contributed immensely to socio-economic inequalities inversely intensifying tribal cleavages due to unequal access to resources. Such tribal divisions precipitated secessionism such as in the Katanga region of the Congo, South Sudan and the Tigray region in Ethiopia.[9] Fukuyama in Benson states that "identity can be used to divide, but it can and has also been used to integrate".[10] If properly harnessed by the state, it can be a powerful force in enhancing nation-building through national cohesion. Tapping into Fukuyama's assertion, Africans are divided largely along different national, ethnic, linguistic and religious lines and they attach so much importance to these identities. In countries like Zimbabwe, Cameroon, Rwanda and Nigeria

5. Misgun, B. "Strategies and Tactics of Integration of Transnational African Migrants: Case Study of Ethiopian Migrants in South Africa", in *Migration in Southern Africa, IMISCO Regional Reader*, 2022.

6. Mamdani. M. "From Conquest to Consent as the Basis of State Formation: Reflections on Rwanda", 1996.

7. Du Plessis, A. "Exploring the Concept of Identity in World Politics". *Politics of Identity and Exclusion in Africa: From Violent Confrontation to Peaceful Cooperation*, 2001, 13.

8. Alumona, I.M. and Azom, S.N. *Politics of Identity and the Crisis of Nation-Building in Africa*, 2017, 292.

9. Alumona, I.M. and Azom, S.N. *Politics of Identity and the Crisis of Nation-Building in Africa*, 2017, 293.

10. Benson, P. Francis Fukuyama & the Perils of Identity, 2020.

people had been divided, marginalised and excluded by the powerful currents of identity politics. Benson avows that "national identity causes splits even within the nation itself, let alone between the nation and others".[11] Politics of identity can worsen existing societal divisions and contribute to intolerance and discrimination within and between citizens as its key feature is exclusion. That notwithstanding, politics of indigenisation is a common trend in post-colonial African states, South Africa being no exception.

Exclusion can be understood through the lens of the social identity theory as originally conceptualized by Henri Tajfel and John Turner. The theory explains the construction of belonging through "ingroup" and "outgroup" identities.[12] Harwood underscores "people's apparently inherent desire to distinguish themselves from others based on group memberships, and their willingness to sacrifice absolute levels of rewards to maintain relative superiority over members of other groups".[13] The group considers its boundaries impermeable and reinforces its status through ingroup favoritism which excludes the outgroup leading to conflict. The theory highlights how identity is a motivating factor behind discrimination and consequently, exclusion. Authors such as Maseng[14] have written about the philoxenic characteristics of South Africa's immigration policies and also provided some evidence of cooperation between South Africans and immigrants. However, there remains an abundance of data to show that even in instances where legislation is immigration-friendly, its implementation is often laden with exclusionary undertones even for those who are permanent immigrants in the country.

Politics of Exclusion in Contemporary South Africa

The politics of exclusion was a key feature of Apartheid South Africa. It was exemplified through legislations like Homelands, Native Reserves, Group Areas and Bantu Acts which segregated largely black natives whilst amassing fertile land and natural resources that favoured the minority white population.[15] At the dawn of democracy, the ANC-led government pledged to build an inclusive society based on equality and justice. Despite this commitment, identity-driven politics has excluded large segments of the population from being part of the

11. Benson, P. Francis Fukuyama & the Perils of Identity, 2020.

12. Tajfel, H. and Turner, J. C. "The social identity theory of intergroup behaviour", in, *Psychology of Intergroup Relations*, 1986.

13. Harwood, J. "Social Identity Theory", in *The International Encyclopedia of Media Psychology*, 2020.

14. Maseng, J. O. "Migration vis-à-vis Philoxenia in South African context: implications for African continental integration", 2024.

15. Rushwaya, M. "Indigenisation/Black Economic Empowerment and the Appropriation of the Spirit of Capitalism in Post-Colonial Africa: A Critical Study on the Emergence of African Business Ethics", 2018.

rainbow nation. For instance, the coloured communities still feel disenfranchised more than their black counterparts. Farred argues that "Post-apartheid society has empowered black citizens more than their coloured counterparts, blacks have been transformed by the universal franchise into more powerful citizens".[16] Coloureds feel vulnerable and alienated because racial categorisation is still endemic in the country even though the constitution does not recognise Blacks, Coloureds and Indians as distinct groups. There is also the continuation of gross inequalities in the distribution of the country's wealth which excludes most citizens.[17] The World Bank[18] analyzed the wealth inequality which concluded that the top ten percent owned South Africa's 71 percent of the wealth while the 60 percent of the indigents owned only seven percent. South Africa has become a more unequal and exclusionary society making a mockery of the notion of the rainbow nation.

Racial exclusion cuts across all spheres of life including in sports where some sporting codes are predominantly a white man's sport. The racial exclusion in sports between blacks and whites is a tumultuous one. Under Apartheid, the Football Association of South Africa (FASA), the International Cricket Council and the International Rugby Board were banned in 1961, 1970, and 1981 respectively from any international play till they included blacks in their teams.[19] The belief was that blacks could not play a Whiteman's sport and were viewed as primitive people who only enjoyed dancing and hunting.[20] Exclusionary politics was thus an endemic feature in the society and the cycle continued in the democratic state. Presently, there are significant strides that have been made in these sporting codes with inclusivity of black players taking place. However, the transformation and representation of whites and blacks remain unbalanced. Oates argued that "Cricket and rugby are the problems, because they still have a lot of black players who are left out, and they are competent and talented, but they're just never selected".[21] The exclusion of blacks from these sporting disciplines still exists in the rainbow nation.

Exclusion from accessing key services hampers any efforts of national cohesion. It is overtly linked to most political systems with implications that threaten to maintain the unequal distribution of wealth and privileges. In predominantly black townships, service delivery protests are a daily occurrence due to the lack of basic services. The July 2021 civil unrest is one typical example that highlighted how

16. Farred, G. "Where does the Rainbow Nation End? Colouredness and Citizenship in Post-Apartheid South Africa". *The New Centennial Review*, 2001, 183.

17. Stinson, A.T. "National identity and nation-building in Post-Apartheid South Africa", 2009, 31.

18. World Bank. *Overcoming poverty and inequality in South Africa. An assessment of Drivers, Constraints and Opportunities*, 2018.

19. Oates, K. "South Africa's sports lack progress in the post apartheid era". *Global Sport Matters*, 16 April 2019.

20. Archer, R. and Boullion, A. *The South African Game: Sport and racism*, 1982, 8-9.

21. Oates, K. "South Africa's sports lack progress in the post apartheid era". *Global Sport Matters*, 16 April 2019.

most black-dominated communities are economically marginalized, with high unemployment and poverty rates which contributed to the looting that took place.[22] Daily protests are fuelled by deep-rooted and acute socio-economic challenges faced by the disadvantaged citizens. The legacies of Apartheid exclusion still exist in the new democratic state which is mostly felt by the previously disadvantaged citizens. Consequently, whilst natives still suffer from exclusion in South Africa, permanent immigrants have not been spared either. The relative political and economic stability and a rights-based system make the country a preferred destination for immigrants from across the African continent and beyond. Despite the flaunted notion of a rainbow nation, exclusionary politics is particularly endemic and applies especially to immigrants even those who have made South Africa their permanent home.

Manifestation of Exclusionary Politics on Permanent Immigrants Absence of *jus soli*

Citizenship acquisition comes with rights and obligations that give an individual a sense of belonging to a state. This sense of belonging bestows a national identity which is characterized by a community membership and attachment to the nation-state.[23] Lack thereof creates a feeling of exclusion that separates citizens from immigrants caused by differences in language, ethnicity, and nationality with the latter being the most dominant cause of exclusion. This is because citizenship is closely tied to identity politics. Citizenship is attained either by birth or through naturalisation, with the former reserved for indigenes. In some countries, birth-right citizenship is granted automatically as long as the child is born within a country's territory even in cases where parents are not citizens or even legal migrants.

World Population Review states that "at present, 33 countries in the world have unrestricted birthright citizenship, also known as *jus soli*, and another 32 nations have some form of restricted birthright citizenship".[24] States with unrestricted birthright include Lesotho, Mexico, Jamaica and USA whilst those with citizenship restrictions include Australia, Egypt, France and the United Kingdom. South Africa is one of those countries that do not confer nationality by birth to children born to immigrants. Absence of *jus soli* (nationality by birth) even by holders of permanent residence permits is a form of exclusion used by the South African government to prevent non-natives from fully enjoying the benefits of the rainbow nation. It is imperative

22. Vhumbunu, C.H. "The July 2021 protests and socio-political unrest in South Africa: Reflecting on the causes, consequences and future lessons", 2021.

23. Simonsen, K.B. "Does citizenship always further Immigrants' feeling of belonging to the host nation? A study of policies and public attitudes in 14 Western democracies", 2017, 3.

24. World Population Review. "Countries with Birthright Citizenship 2024", 2024.

for citizenship statuses to be conferred at the very least, on the children of permanent residents as this will enhance feelings of belonging to the nation. This will enable the children to have full rights and duties of a citizen like any other South African, be able to assimilate and become full members of their respective communities.

Additionally, the politics of economic globalisation has intensified issues of social membership and acceptance in communities based on the politics of indigenization. Marshall's theory of citizenship equally pushed for by Turner[25] conceptualised capitalism "as a dynamic system in which the constant clash between citizenship and social class determined the character of political and social life". Marshall's idea of citizenship was grounded on liberalism where there is a need for economic profitability, taxation requirements, and rights of citizens to access basic state provisions. Contrastingly, The Department of Home Affairs[26] stipulated on its online website:

> Children born of permanent residents follow their parents' status. We do not separate children from parents. What can be done is to record notice of birth of the child. Such notifications of birth can thereafter be taken to the parents' countries of origin for registration and issuance of passport, after which the child will be issued with a derivative permanent residence permit status, upon application.

Also, the process of applying for a visa like permanent residency is expensive in South Africa even for relatives of permanent immigrants. This is because such a permit is not applied from the DHA, although all the adjudication is done by the department. Foreign nationals are required to go to their nearest Visa Facilitation Services (VFS) which are limited in number as compared to DHA facilities that are available in every district in the country. As a result, VFS centres are not easily accessible to everyone as others must travel far and wide to get to the nearest centre. For instance, there is only one VFS office in the Eastern Cape province. Information gathered from some respondents show that some immigrants commute from Umtata to submit applications at the VFS offices in Gqeberha in the Eastern Cape which is a distance of about 500kms. They again have to drive back there for collection when the outcome is finalized (which might be a rejection requiring further drives for appeals). This is an exclusionary tactic that can dissuade qualifying immigrants from applying. Exorbitant visa application fees of about R1550 are charged and similar fees are paid for appeals of rejections.[27] Some respondents stated that they have been waiting for the finalisation of the permanent residence applications for their spouses for up to seven years. The DHA appears to lack both the capacity and the will to process applications of immigrants and their family

25. Turner, B.S. "Outline of a theory of Citizenship". *Sociology*, Vol. 24, No. 2, 1990, 192.

26. Department of Home Affairs. "Home Affairs on acquiring citizenship for children in South Africa", 11 April 2017.

27. Visa Facilitation Services. "Permanent Residence Appeal", 2022.

members.[28] Such onerous processes that treat permanent immigrants differently from South Africans alienate them further from the notion of the rainbow nation.

Just like in any other country, PRP holders in South Africa can acquire citizenship by naturalization which guarantees voting rights. The process to obtain one can be difficult and lengthy. Most African states grant citizenship by naturalization after years of legal permanent residence. However, there are countries like Nigeria, Chad, Uganda and Sierra Leone which require 15-20 years of legal stay while the Central African Republic requires 35 years before granting citizenship. The Democratic Republic of Congo and Egypt have stricter rules with the latter reserving naturalization only for people who are Arabs or Muslims (Manby, 2010:64). In the case of South Africa, it grants citizenship after a legal stay of five years as a PRP holder. This lengthy process means PRP holders are excluded from voting, yet they are part of the community. Jacobs (2018) asserted that "permanent residency allows the holder to live and work in South Africa unlimitedly…do all activities a citizen is permitted to do except for voting in the South African elections". Citing Aristotle, Law[29] explains how humans by nature realize their full potential within a polis by sharing in the civic life of ruling and being ruled in return. The five-year period of waiting to be able to participate politically defeats Aristotle's assertion as permanent immigrants' realisation of their full potential in civic life is delayed. They remain disenfranchised till naturalisation conditions are met which exposes them to being used as political pawns. Once people feel marginalised just like permanent immigrants, they give up on the social contract that unifies them.

In spite of this, part of the problem with regard to the immigration question in South Africa is the rampant corruption that is involved throughout the documentation progress. Narratives abound of fraudulently issued passports and marriages that were fraudulently carried out of convenience to secure permanent residency, at times in complete oblivion of the South African spouse. There is also widespread bribery of Home Affairs officials who are tasked with processing visa applications. For instance, the Department of Home Affairs[30] stated that a former official was charged and found guilty of fraudulently issuing 192 passports to unqualified foreign nationals in 2021. It is against this backdrop that the Department tightened its permanent residence and spousal visa applications for proper verification. However, this rigorous process has bundled up both legit and fraudulent cases all in the same pot leading to lengthy delays for all applicants.

28. Ryan, C. "Home Affairs has 30 days to process permits for 182 immigrants with R15bn to invest". *Moneyweb*, 7 November 2022.

29. Law, L. G. Is Human Virtue a Civic Virtue? A Reading of Aristotle's Politics 3.4. *Aristotle's Practical Philosophy: On the Relationship between His Ethics and Politics*, 2017.

30. Department of Home Affairs. "Imprisonment of corrupt officials and foreign nationals signals start of anti-corruption crackdown against criminal syndicates in Home Affairs", 2024.

Political scapegoating

Identity politics in South Africa reinforces institutional and societal discrimination against permanent immigrants. It is used to deflect attention from real issues like the socio-economic failures of the government. Shoki[31] avers that "In South Africa, the political class is scapegoating immigrants to distract from their failure to root out the country's massive inequality". Political scapegoating of immigrants is dominant in politicians' speeches and political addresses peddling negative immigrant sentiments. The former ANC minister of Home Affairs, Dr Aaron Motsoaledi is prejudiced against immigrants and has on numerous occasions argued that most foreigners are not in the country as migrants but criminals. During his tenure as health minister, he blamed the overcrowding of public hospitals on immigrants. AmaShabalala[32] quoted Motsoaledi who stated that "We are the only country that accepts rascals. Even the UN is angry with us that SA has a tendency, because of something called democracy, to accept all the rascals of the world…this must change comrades. We can no longer allow our country to be the stomping ground for all the rascals and low-lives of the world running here and using our democracy". The director of Amnesty International South Africa, Sheilla Mohamed, rebuked Motsoaledi's prejudice, stating that "stop this shameless scapegoating of refugees and migrants, stop fuelling xenophobia with these unfounded remarks".[33]

The former Minister of International Relations and Cooperation, Naledi Pandor mentioned that "the belief and the reality that our people have is that there are many persons from Nigeria, who are dealing in drugs in our country, who are harming our young people by making drugs easily available to them".[34] Such narratives generally stereotype and criminalise all Nigerians regardless of their status. As a result of their vulnerability by being a minority group, immigrants are soft targets for political points. Herman Mashaba, the leader of the Action SA party, stated his dismay over the recent extension of Zimbabwean permits citing that "this indicates illegal immigration is not a priority for the Home Affairs ministry and poses a risk of a continued squeeze on our healthcare and social services…SA belongs to South Africans".[35] His utterances are misdirected as visa extensions were made for legal immigrants. As a former Democratic Alliance Mayor of Johannesburg, Mashaba would share a series of tweets castigating immigrants for

31. Shoki, W. "In South Africa and around the World, We have to resist the Scapegoating of Immigrants". Journal of theory and strategy, 3 January 2020.

32. AmaShabalala, M. "I will resign once all foreign 'rascals' are locked up and keys thrown away: Aaron Motsoaledi". *Times Live*, 19 April 2022.

33. Eisenberg, G. "Motsoaledi's smoke and mirrors crusade against immigrants is at odds with basic human rights". *Daily Maverick*, 24 March 2021.

34. Onapajo, H. "Phobia or Scapegoatism? The Nigerianization of Crimes in South Africa". *The Republic*, 20 September 2019.

35. Nkanjeni, U. "SA belongs to South Africans: Mashaba disappointed by home affairs extending Zimbabwean permits". *Times Live*, 7 September 2022.

high crime in the city. One of his viral tweets was under the banner of Johannesburg being a world cup of crime. He tweeted:

> #WorldCupofCrime This slide gives you the type of prevalent crimes being committed by different nationalities @HermanMashaba 26 October 2019.

This tweet prompted citizens to respond sharing their opinions as follows:

> South Africa is a playground for foreign national thugs…they are doing as they please… We're officially a Lawlessness country. Weak Government, weak law enforcement agencies [sic]. @Williams95576637 26 October 2019
> Guys this is a lot of tax payers money, they come into our country commit crime then they go to jail for us to provide for them in jail. This is not right in so many levels, R300 per day on each of them [sic] @sayit18890 26 October 2019.
> YA neh, then they say we Xenophobic, Mashaba is the only guy who is connected to his citizens coz he knows exactly what is going on on the ground we need someone like dat for President, the one who will make decisions to best suit his constituents [sic]. @MkaizerMappiza 26 October 2019

Mashaba only shared crime statistics committed by African immigrants in the city, a ploy he used to push a narrative of foreign blacks being criminals to his fellow black citizens who would vote for him or his party. The head of the governance, crime and justice at the Institute for Security Studies refuted Mashaba's shared statistics arguing that

> Most people from other countries living in South Africa do not commit crimes. They are largely law-abiding people, even if they are here illegally…its gutter-level politics. It's trying to demonise vulnerable people, it's trying to distract from failures, and it's a measure of his xenophobic, bigoted attitude towards people from other African countries. It's not a measure of anything else.[36]

Other notable leaders like Gayton Mackenzie of Patriotic Alliance, Bheki Cele minister of Police, former president Thabo Mbeki, and Bantu Holomisa of United Democratic Movement, have at different intervals blamed immigrants for societal ills. Scapegoating becomes an effective tool for political persuasion and mobilization to strengthen a politician's or political party's support base. Some politicians give life to Plato's concept of a 'noble lie' where untrue information is purposely propagated to advance an agenda. South Africa faces a conundrum on how to handle immigrants especially illegal immigrants.[37] This leaves permanent immigrants prone to backlashes as most natives cannot differentiate a legal from an illegal immigrant. Societal ills are blamed on immigrants which suggests that they are the cause of South Africa's

36. Bornman, J. "Mashaba's xenophobic legacy". *Mail & Guardian*, 7 November 2019.

37. Alfaro-Velcamp, T. and Shaw, M. "Please Go Home and Build Africa: Criminalising Immigrants in South Africa". Journal of Southern African Studies, 42:5, 2016, 986.

problems. Government officials and politicians alike use migrants as their scapegoats for campaign purposes which leaves permanent immigrants vulnerable to exclusion. It is a convenient excuse that politicians use to deflect attention from their failures to implement policies and reforms to address socio-political and economic challenges.

Institutional Discrimination

With an upsurge in autochthony, calls from South African natives demanding for opportunities to be reserved only for locals have left permanent immigrants side-lined. Institutional discrimination has been applied from an economic perspective. The Department of Employment and Labour[38] drafted the National Labour Migration Policy and the Employment Services Amendment Bill meant to address and protect indigenes' access to work opportunities against foreign nationals. The amendment bill proposed having a quota system in place for employment of foreign nationals. A foreign national according to the Department, is an individual who is not a citizen or a holder of a permanent residence permit. Regardless of permanent immigrants being considered as equals with citizens, it has led to institutional discrimination as some sectors regard them as foreigners and not citizens when it comes to employment. They are overlooked based on their countries of origin. Narratives abound of permanent residents in the country being side-lined for job opportunities on these grounds even in instances where there are no available South Africans to occupy such vacant positions. As one respondent maintained,

> I have been working in the university for over five years as a Senior Lecturer on a contractual basis. Though I am a permanent resident, the university did not convert the contract to a permanent appointment. When the contract expired, I was told it would not be renewed as they are looking for a South African to fill the position. I was then offered a six-month part-time contract and the position was advertised.

Another lamented that:

> I have a permanent resident permit, but I have been on a part-time six-month renewable contract for the past seven years. Over these years, there have been several vacancies that have been advertised in the school but even though I always applied, I was never shortlisted because I am not a South African citizen.

Concerns have been raised in numerous online platforms and talk shows that given the high rates of unemployment is South Africa which stands at 33%[39], job

38. Department of Employment and Labour. "Draft National Labour Migration Policy and Employment Services Amendment Bill". Department of Employment and Labour, No. 1801. 28 February 2022.

39. StatsSA. *Media Release. Media release QLFS Q2 2024.pdf, 2024.*

priorities should be given to South Africans. However, evidence buttressed by narratives such as those above shows that even in instances where South Africans are not available, permanent residents who belong to the outgroup as per the social identity theory, are still sidelined and excluded from several job opportunities. This defeats the idea of permanent residency which ordinarily, is a pathway to citizenship through naturalisation.

Institutional discrimination is at variance with social justice theory which advocates cooperation, inclusion and equal access to opportunities for everyone. Echoing the words of Aristotle, Kelsen[40] asserts that "injustice arises when equals are treated unequally, and also when unequals are treated equally". Another typical example of how equals can be treated unequal is drawn from the case of Kevin Malunga who was the Deputy Public Protector, a permanent immigrant who renounced his Zimbabwean citizenship and was naturalized in 2010. He vied for the Public Protector post but was overlooked citing lack of security clearance. Maqhina[41] reported that the "State Security Agency had said he did not meet the requirements for a top-secret security clearance due to his status as a naturalised citizen". Security clearance was used as an unjust measure to exclude him, yet he had attained full status of a citizen which did not preclude him from vying for that position. Therefore, justice can only be attained when equals are treated equally. Permanent residents are thus treated differently from natives and as Orwell echoes in his 1945 classic, *Animal Farm*, "some animals are more equal than others". In as much as they enjoy other rights, they remain marginalised economically.

Nyakabawu[42] argues that "exclusion becomes more visible in naturalised people where the state constantly reminds its other citizens on how they differ from indigenous fellow citizens". Indigeneity in the country has been crafted around 'black indigenous South Africans' contributing to black-on-black prejudice and violence. Fanon stated that South Africa's form of black nationalism was transforming into virulent forms of black-on-black racism.[43] Institutional discrimination also contributes to black-on-black racism which refutes the Freedom Charter and Constitution's pronouncement of a South Africa that 'belongs to all who live in it'. Johnson[44] claimed that "too often, racism is seen as a social phenomenon that happens to black people. But it happens through black people as well". Economically, institutional discrimination has led to the negation of the rights of black permanent

40. Kelsen, H. What is Justice? Justice, Law and Politics in the Mirror of Science, 1957.

41. Maqhina, M. "Deputy Public protector Kevin Malunga courts controversy, again". *IOL Politics,* 7 October 2019.

42. Nyakabawu, S. "Legal Aliens: Experiencing Civic Marginalisation in Entrepreneurship in South Africa". Frontiers in Human Dynamics, Volume 4, 2022, 7.

43. Mbembe, A. "No African is a foreigner in Africa- except down in South Africa". Mail & Guardian, 11 October 2019.

44. Johnson, T.R. "Black-on-Black Racism: The Hazards of Implicit Bias". The Atlantic. 26 December 2014.

immigrants. As Carruthers[45] argues, their status is only a "pass of the game of achieving an embodied and performed citizenship that is recognised as legitimate by the dominant national community". It is merely for co-existing with indigenes as most remain excluded from key areas and have been relegated to inferior citizens. Colonialism and Apartheid legacies thrust upon a culture of segregation which shaped how blacks now view each other. Thus, being permanent does not guarantee economic equality in their adopted country.

The BEE policy for instance, specifically excludes permanent immigrants, foreign nationals and whites. The Department of Trade, Industry and Competition[46] highlighted that "White people, foreign nationals, permanent residents, do not qualify for a benefit under the BEE Act". The department's practice is contrary to what social justice theory stands for, which values cooperation, inclusion and having equal access and opportunities for everyone. BEE is unjust on black permanent immigrants. Black permanent immigrants are not different from natives hence opportunities reserved for natives should be extended to permanent immigrants. The department has been carrying on-going investigations on some companies who benefited off the policy to ascertain if they are citizens by birth and revoking all those who unscrupulously benefited from the policy.

Lack of Cultural Integration

Permanent immigrants' lack of cultural integration affects their adaptation into communities because changes in culture and language makes them to be more prone to exclusion. This is as they are expected to adopt some of the host community's cultural elements like learning the local language to fit into the general civic life of the mainstream society. Information gathered from observational studies shows that South Africa has a strong inclination towards its indigenous languages which vary from one province to another. These provinces have a strong working knowledge of each language and English is seldomly used even though it is equally an official language. South Africa also has a strong affinity to cultural practices which ostracise the other. Language as one of the facets of identity is used by citizens to profile and exclude immigrants leading to the notion of 'amakwerekwere' which refers to the languages that natives regard as indecipherable.[47] Some immigrants

45. Carruthers, A. "The accumulation of national belonging in transnational fields: ways of being at home in Vietnam". *Identities Glob, Stud, Cult, Power* 9, 2002, 427.

46. The Department of Trade, Industry and Competition. "White People, Foreign Nationals, Permanent Residents, Do Not Qualify for a Benefit under the B-BBEE Act: It is Illegal Conduct". *The Department of Trade, Industry and Competition*, 14 October 2021.

47. Siziba, G. "Language and identity negotiations: an analysis of the experiences of Zimbabwean migrants in Johannesburg, South Africa". *Journal of African Cultural Studies*, 2014, 174

who live on a permanent basis in South Africa struggle to assimilate in communities because of barriers in language. An excerpt based on an immigrant's experience extracted from Mesthrie et al. exemplifies how difficult it is for immigrants to integrate if they do not know the local language dominant in their host community.

> They tend to scare us and push us towards one another. Because of the xenophobic attacks we are afraid of them. We turn now to form our small-small camps, like when you come to Parow, it is occupied mostly by foreigners. As I said earlier your social network can help you learn a language. For example, if especially the South African blacks, if they were really receptive, we would have so many close friends who are South Africans and that would help us to learn their language. But since they call us Kwerekwere, they call us foreigners, they attack us, they hate us, so that social network is not there.[48]

Immigrants from countries like Nigeria, Pakistan, the Democratic Republic of Congo, and Bangladesh can relate to what was highlighted. However, it is different for immigrants from countries like Zimbabwe, Lesotho, Botswana, Mozambique, and Swaziland who are neighbours with South Africa. Immigrants from these countries can easily assimilate due to shared or similar languages spoken. Lack of cultural integration can be experienced by these nationalities if they dwell in a province where their language is hardly spoken. For instance, Zimbabwean immigrants made up of Ndebele and Shona speakers can assimilate with ease as Ndebele is a Nguni language with similarities to Zulu and Xhosa whilst Shona is similar to Venda. Muzondidya[49] elaborates that "Zimbabweans from the Southern district who spoke Nguni languages at home find it relatively easier to assimilate than their Shona-speaking counterparts, who have an advantage only in the Venda speaking communities of Northern Limpopo province". Despite having an upper hand some immigrants still find it difficult to assimilate as most of them do not live in areas where their shared languages are spoken as in the case with Zimbabwe's Shona people who live in Johannesburg. Again, a lack of reciprocation from citizens makes immigrants to keep within their own immigrant groups, consequently failing to integrate leading to exclusion. Locals are regarded as people who are intolerant and hostile to immigrants.[50] South Africa has 10 indigenous languages which are part of the 12 official languages including English and sign language. Information gathered from ethnographic studies show that the plurality of languages tends to exclude even South Africans from other provinces who do not speak the dominant

48. Mesthrie, R., et al. "Encounters with Xenophobia: Language, Learning Experiences of Cameroonian and Nigerian Migrants in South Africa". *Language Matters,* 2002, 53.

49. Muzondidya, J. "Makwerekwere: Migration, Citizenship and Identity among Zimbabweans in South Africa", in *Zimbabwe's New Diaspora: Displacement and the Cultural Politics of survival*, 2010, 46.

50. Crush, J. *The perfect storm: The realities of xenophobia in contemporary South Africa*. South Africa, 2008, 1.

language in a province. This lack of cultural assimilation in South Africa is different from Western societies with often nation-wide languages and religions which make learning the language and thus integration of immigrants, easier.

Permanent immigrants in South Africa still find it difficult to fully assimilate into their host societies as explained by Huntington's clash of civilizations. Huntington[51] asserts that "in this new world the most pervasive, important and dangerous conflicts will be…between people belonging to different cultural entities". Cultural civilizations are defined by common objective elements like language, history, religion, and subjective self-identification of 'us and them'. Lack of integration thereof intensifies civilizational consciousness within South Africans and their awareness of such differences with immigrants often leads to conflicts. On the other hand, immigrants' cultural integration does not guarantee an end to conflicts as competition for resources, opportunities, and scarce commodities remains endemic. This is the plight of most permanent immigrants as they remain at a generally inferior social, economic, and political-level which impinges on their state of belonging to the rainbow nation.

Conclusion

South Africa, post-Apartheid, emerged as a democratic rainbow nation that embraced unity in diversity. The rainbow nation is unfortunately marred by the politics of identity resulting in the politics of exclusion. There are gross inequalities in the distribution of the country's wealth which excludes most citizens, especially the indigents. Racial divisions still exist in the country as evidenced by quotas in some sporting disciplines. Identity politics has worsened societal divisions, contributing to intolerance and discrimination within and between citizens as its key feature is exclusion. Whilst natives continue to suffer from exclusion in their birth country, permanent immigrants have not been spared either. Permanent immigrants have been excluded from fully engaging socially, politically, and economically in South Africa. The absence of birthright citizenship for children born to permanent immigrants is a form of exclusion used by the South African government which prevents non-citizens from fully enjoying the benefits of the rainbow nation. Political scapegoating of immigrants is often used by politicians to deflect attention from real issues like the socio-economic failures of the government. This leaves permanent immigrants vulnerable to a backlash from natives. Institutionally, the demand by natives for economic opportunities to be reserved only for locals has left permanent immigrants marginalized. In spite of their permanent status, they are still not considered on the same economic wavelength as indigenous South African citizens. Lastly, permanent immigrants' lack of cultural integration affects their adaptation into communities contributing to further exclusion.

51. Huntington, S. *The Clash of Civilizations and the Remaking of World Order*, 1997, 28.

Genuine efforts to address this predicament should start with the South African government acknowledging and redressing inequalities and exclusion that its citizens continue to suffer post-Apartheid. This will help curb the animosity that some natives have towards immigrants which is largely shaped by a past that promoted ethnic divisions and subnational identities. Awareness campaigns using a bottom-up approach to educate citizens on the rights and duties of immigrants should be conducted in communities. This will go a long way to foster social cohesion. Efficiency in the processing of permits by the Department of Home Affairs should be done within prescribed timeframes. Measures should also be put in place to counter institutional discrimination in the labour market. Taping into the skills of permanent residents will go a long way in addressing the skills shortage in South Africa and will equally contribute significantly to making South Africa a true rainbow nation.

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