

**A CRIMINOLOGICAL ANALYSIS ON  
SAFETY AND SECURITY OF AFRICAN  
FOREIGN NATIONALS IN DURBAN SOUTH  
AFRICA**

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**A CRIMINOLOGICAL ANALYSIS ON SAFETY AND  
SECURITY OF AFRICAN FOREIGN NATIONALS IN  
DURBAN SOUTH AFRICA**

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**Submitted to the University of KwaZulu-Natal**

**School of Applied Human Sciences**

**in fulfilment of the requirements for the degree**

**Doctoral of Philosophy**

**(Criminology)**

**Durban, South Africa**

**June 2019**

## DECLARATION

I declare that this thesis presented for the degree of Doctor of Philosophy in Criminology and Forensic Studies, in the School of Applied Human Sciences, College of Humanities, University of KwaZulu-Natal Durban South Africa, is my own unaided work, and has not been submitted, in whole or in part, in any previous application for a degree at any other institution. I took reasonable care to ensure that the work is original, and, to the best of my knowledge, does not breach copyright law, and has not been taken from other sources except where such work has been cited and acknowledged within the text.

A handwritten signature in black ink, appearing to be 'C. S.', written over a horizontal line.

Student signature

20 August 2019

Date

## ACKNOWLEDGEMENT

Throughout the journey of my PhD research, I have not been sick or had any malaise. I got all the tools needed to finish my thesis. Only God can do. My gratitude to Jesus Christ my Lord, to God almighty for the divine support released to take me through the process until the completion of my thesis. If it was not the heavenly support, I would not be able to do anything.

However, it is not negotiable or debatable to acknowledge the intellectual guidance in the pursuance of this thesis, mostly when I think of how my supervisor Professor Shanta Balgobind Singh has endeavoured to push me throughout my PhD research journey, asking me all the time we meet in the department corridor to give her my work as soon as possible. For me, it was a high motivation. I would like to thank you so much for your supportive spirit Prof Singh, you have impacted my academic life in many positive ways. Appointing me as a lecturer during my PhD candidature was the greatest support you could have provided which then became a source of finance for my research project. You are my role model. Your leadership qualities with a very positive attitude, are a good example to follow.

I would like to extend my appreciation to the staff of the Department of Criminology and Forensic Studies, Dr Sazelo Mkhize, in particular Dr Witness Maluleke, for guidance in the final stage of this research, and the School of Applied Human Sciences at large for their institutional support in creating a fertile academic environment to enable me to cultivate my own garden of knowledge.

I would also like to acknowledge the help of librarians at Howard College Campus. Ms Claude Kercival has been of great help when struggling to get online access to some important journals, articles relevant to my research. Reena Govender who also provided me with a study carrel during the entire period of my research journey. This study environment was conducive and helped me concentrate tirelessly on my work with no distractions and disturbances by fellow students.

Again, I would like to express my sincere gratitude to Dr Musara Lubombo, who not only advised in the choice of theories relevant to my research but also edited my thesis.

Many thanks to you dear Dr Lubombo. Also, my gratitude goes to Mrs Phebbie Sakarombe-Mboti, for her guidance and advise throughout the analysis of the data in this research.

Many other people played a role in the completion of this thesis and their contribution is highly appreciated. My sincere gratitude goes to the following people:

- The pastoral couple Apostle Benjamin Lukola and Prophetess Lilian Lukola who have been of great spiritual support through prayers and their motivational preaching.
- Brother David Biryage and his wife Lilian Muhindo for the endless advice and prayer support.
- Nadine Boteli who has been there for me throughout the journey of my PhD research with her endless encouragement and emotional support.
- Bibi Nathalie Katubadi, my fellow fieldwork researcher, who has been with me from the first day to the last day of my fieldwork. Sincere gratitude to your dedication and supportive spirit. You were doing interview booking with participants and reported to me where, when and who will be our next interviewee. Your support and contribution to this thesis are greatly acknowledged.
- My brother and friend Babbis Butiri Kashironge who continuously pushed me to enrol for PhD every time I was telling him that after my master's degree, I cannot do a PhD. Today I am thinking of your words and cannot stop thanking you for your motivation.
- Research participants (African foreign nationals living in Durban) who were prepared to sit and patiently complete the interviews to enable the completion of this research.

My hearty thanks also go to my parents for the enduring love and affection. Last but not least, I thank the University of KwaZulu-Natal for accepting me from first year as a refugee student. Not all foreign nationals can easily enter the gates of educational institutions.

## ACRONYMS AND ABBREVIATION

AFN	African Foreign National
AFNU	African Foreign National Union
ANC	African National Congress
ATM	Automated Teller Machine
BBBEE	Broad-bred Black Economic Empowerment
CAQDAS	Computer Assisted Qualitative Data Analysis Software (CAQDAS)
CBD	Central Business District
CHR	Centre of Human Rights
CSVSR	Centre for the Study of Violence and Reconciliation
DHA	Department of Home Affairs
DRC	Democratic Republic of the Congo
EEA	European Economic Area
EU	European Union
GST	General Strain Theory
HREC	Human Research Ethics Committee
HRL	Human Right Law
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IDCs	Immigration Detention Centres
IHL	International Humanitarian Law
INS	Immigration and Naturalization Service
IOM	International Organisation on Migration

JRS	Jesuit Refugee Services
KZN	KwaZulu-Natal
MPI	Migration Policy Institute
NGO	Non-Governmental Organisation
NYC	New York City
RDP	Reconstruction and Development Programme
SADC	Southern African Development Community
SAMP	South African Migrant Project
SASH	South African Stress and Health
TRC	Truth and Reconciliation Commission
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations High Commission for Refugees
UNODC	United Nations Office on Drugs and Crime
WFS	World Food Summit
WWII	World War Two

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## **DEDICATION**

*To all African foreign nationals residing in South Africa*

## ABSTRACT

*The South African local citizens are not xenophobic, but they are rather forced to behave as such due to poverty, unemployment and serious social inequalities that characterise their communities. If these conditions are addressed through improved service delivery, foreign nationals could be spared from the blame. The scapegoating theory shows that local citizens do not hate foreigners but rather blame them because of strains caused by unsatisfactory life conditions which lead them to violent reactions against foreign nationals mostly from African countries. This research was undertaken to explore the threatening factors and experiences faced by foreign nationals on their safety and security in the city of Durban South Africa. The study adopted a qualitative methodology consisting of 50 in-depth interviews with African foreign nationals living in the city of which 16 African countries were represented in the research. Nevertheless, the displayed acts during the xenophobic [violence] attacks are of serious concern within the field of criminology holistically. Common law offences, such as; [physical] assault (I.e. Grievous Bodily Harm - GBH), arson, rape, injuries verbal abuse, house robberies, property damage as well as discrimination are serious crimes characterised by xenophobic violent attacks on foreign nationals. This urges for the re-definition of the concept “xenophobia” from a criminological perspective. Previously considered as mere hatred sentiments or negative attitudes towards foreigners, this research provides a different way of understanding xenophobia. This criminological analysis on safety and security of African foreign nationals in the city of Durban suggests that xenophobia can best be understood as a series of crimes against foreign nationals -which are violent in nature leading to physical beating, killing and the looting of goods as well as destroying of properties owned by foreign nationals. These crimes are a serious violation of human rights affecting the human security of the people victims as they constitute a violation of both the international humanitarian laws and national laws providing protection of the human rights of every individual. The issue of safety and security of African foreign nationals is threatened by constant fear owing to experiences of violence and discrimination, social exclusion marked by anti-immigrant attitudes by some local citizens. Local authorities, community members and the government need to come together in association with foreign nationals’ representatives and re-think possibilities of social integration and cohesion. As with anyone, foreigners’ nationals living in South Africa must have unhindered access to the socio-economic and cultural*

*facilities available in communities they live. This will make them feel part of the community. Since the South African government is a signatory of different international frameworks and treaties accepting to temporarily and permanently host people from other countries worldwide, different awareness campaign programs are needed within the communities aiming at creating an environment of understanding the importance and need of living with people from different nationalities. This itself will create a safe and happy place for both South African citizens and foreign nationals residing in the country.*

**Keywords:** *Criminology, Safety and Security, Human rights and foreign nationals.*



# CHAPTER ONE

## GENERAL ORIENTATION AND PROBLEME FORMULATION

### **Introduction**

There is an intensification in the wave of refugees due mainly to wars and insurgent activities in their home countries. The need for international treaties and agreements such as the United Nations and African Union's resolution on refugees and asylum seekers to warrant their protection in the host states is vital (Odunayo et al., 2017). Not only South Africa has engaged with this problem but has also provided strong support for the work of the United Nations High Commission for Refugees. South Africa's asylum system and legislation are such that they give room for all basic principles of refugee protection including freedom of movement, the right to work and access to the basic social services (Odunayo et al., 2017). Nonetheless, foreign nationals living in South African face victimisation for a variety of reasons, including the fact that they present competition with South African citizens for employment, housing and other services (van Rensburg, 2017). The growing presence of foreigners led to the increase in xenophobic attacks that emerged in May 2008 which resulted in countless injuries and deaths of foreign nationals.

After May 2008 when South Africa had observed a previous round of large-scale violence against migrants, a pivotal move occurred in state discourses and management of xenophobia. However, Crush and Ramachandran (2014), concede that in early 2015, South Africa experienced a new wave of violent attacks on collective violence pointing migrant-owned businesses in the country. nonetheless, the government stance towards xenophobia had moved from a lack of acknowledgement of its presence and policy neglect to public rejection and denial of its very existence in the country.

Whenever there are violent attacks on refugee and migrant businesses in South Africa's informal sector, politicians, officials and commissions of enquiry deny that xenophobia is a driving force or indeed exists at all in the country (Ramachandran et al., 2017). The attitude displayed by South African government officials has exacerbated violence attacks on African foreign nationals.

International migration is probably one of the most cited, yet also a most contested area of the so-called new security agenda, which emerged at the end of the Cold War and resulted in a broadening and deepening of our understating of what constitutes a

security threat or challenge (Wohlfeld, 2014). Every nation-state is at once seeking to maximize the opportunities from transnational corporations, and yet closing its doors to the forms of migration that these economic shifts stimulate. According to Papastergiadis (2018), new pressures and new voices have emerged in the cultural and political landscape. Papastergiadis (2018: 3), reports that “even countries like Germany and Japan, which have boasted of their ethnic homogeneity and aggressively restricted the right to citizenship, are ethnic societies”. As nation-states are losing more and more of their power to regulate activities within their territory, they are becoming increasingly aggressive about the defence of their borders. Tougher laws against asylum-seekers, the rounding up of gipsies and ruthless eviction of ‘economic migrants’ are some of the ways in which governments vent their frustration in a world where they have seemingly lost control but dare not admit it (Papastergiadis, 2018).

However, migration is a phenomenon that must be understood in the context of the complex and interlinked flows of goods, finance and people. While global flows of goods and finance are supported and encouraged as part of a liberalist notion of development, commerce and also security, the flow of people is increasingly being tackled with a variety of restrictive migration management policies which aim at curtailing it (Wohlfeld, 2014).

### **Problem Formulation**

In twenty years, from 1997 to 2017, the number of people forcibly displaced around the world by conflict, violence and persecution had doubled – from almost 33 to 66 million (Bernard, 2017). The space for neutral, impartial humanitarian action was very limited, and the Cold War context precluded many organisations from accessing many of the people affected, especially in locations like Africa or Southeast Asia where major proxy conflicts were carried out (Bernard, 2017).

The movement of migrants across international borders may result in grave humanitarian consequences and protection and assistance needs for those involved. Although many reach their destinations safely, others may find themselves in a country experiencing armed conflict and may endure great difficulties and be particularly vulnerable. In these situations, as civilians, migrants are protected under the international humanitarian law (IHL) against the effects of hostilities and when in the hands of a party to the conflict.

The tradition of providing refuge to people who are fleeing and in need of protection is a long-standing one, present throughout history and in various contexts, and now embedded in international law. “The New York Declaration for Refugees and Migrants, adopted by the UN General Assembly in 2016, reaffirmed international refugee protection standards and provided a model for a more comprehensive response to large-scale refugee movements, based on shared global responsibility for refugees. It represented a critical development at a time when international cooperation aimed at preventing, responding to and resolving conflicts is proving inadequate, and an increasing number of people are being internally displaced, forced across borders or left in protracted exile as a result of conflict, violence and persecution” (Bernard, 2017: 23-24).

The horrendous events of September 11, 2001, in which the World Trade Centre in New York City (NYC) was totally destroyed, and the Pentagon in Washington substantially damaged by hijacked commercial airlines that were flown into them, killing 2,982 people have proved to be the defining point of the past decade, and perhaps for decades to come (Lanier, 2018). Nonetheless, Joyner (2004: 214) reports that “the massive scale of the September 11 terrorist attacks prompted unprecedented international action to coordinate efforts against terrorism. No less significant is that many national governments passed special laws aimed at strengthening their national security and protecting their societies from the threat of future terrorist activities. In that process, the quest by many governments to strengthen their national security has produced charges alleging human rights violations and curtailment of civil liberties of certain groups of people in those states. Various new national laws are said to impose intrusive restrictions of certain freedoms in order to thwart activities by potential terrorists”

Migration thus tends to be viewed as a security threat or challenge (Wohlfeld, 2014). In fact, concerns about the connection between immigration and crime have a long-standing history in the United States (US), dating back to colonial times. Increased immigration was believed to be associated with increased criminal activity. Negative perceptions of new immigrants were exacerbated by the fact that the British frequently shipped convicts on a large scale for white servitude in certain colonies where labour was needed, the colonists were also disturbed by people who fled to the US to escape

the consequences of misbehaviour committed in their homeland. These free immigrants were believed likely to become troublesome citizens.

As the practice of transportation of convicts by the British came to an end with the Revolutionary War, new concerns arose regarding European immigrants who came to the US after experiencing hunger and hardship of long wars in their country of origin. Belief remained that several European governments continued sending felons to the United States and the new immigration disproportionately engaged in crime because they belonged to the criminal class or because they were unable to adjust to new conditions of American life (Miller, 2009).

These perceptions about immigrants have had important policy implications. Numerous policies aimed at reducing immigration, restricting immigration from certain countries, limiting social benefits for immigrants, or increasing penalties for immigration violations have been implemented throughout history in response to these negative perceptions. This has impacted negatively on the safety and security of migrants with regard to their human security affecting their wellbeing in the host countries. Lazaridis (2016), is of the view that migration is associated with a range of threats covering the whole socio-economic and political spectrum. For Lazaridis, “immigrants and asylum seekers are often seen as a threat to public order and stability” (Lazaridis, 2016: 13). They are also believed to be plotting to exploit national welfare provisions and available economic opportunities at the expense of citizens. Above all, they are seen as a threat to the identity of societies and thus as a challenge to the very existence of a traditional pattern of living (Lazaridis, 2016).

In fact, before 1994, South Africa was a good destination for numerous migrants over the years, many of whom were from the Southern region of Africa and Europe (Perberdy, 1999). Many foreigners living in South Africa have reported disturbing and gravely alarming reasons for leaving their home countries, ranging from poverty and its associated socioeconomic adversities to intense persecution, wars and violence (van Rensburg, 2017). Often, migrating to South Africa is not a desirable choice but is rather the only option. Foreigners leave their homes for survival and in search of a dignified life. However, South African communities have a history of using violence as a way of resolving issues. Violent protests involve physical acts against a person or property that may cause harm or injury to that person or their property (van Rensburg, 2017). Some

South Africans hold negative perceptions about foreigners and their role in local communities, which is particularly centred around economic structures. The fear that immigrants are responsible for poverty and unemployment, the spread of HIV/AIDS and high crime levels creates enormous tension and hatred towards foreign nationals (van Rensburg, 2017). The growing presence of foreigners led to the increase in xenophobic attacks that emerged in May 2008 which resulted in countless injuries and deaths of foreign nationals.

South Africa thus now has the unfortunate reputation as one of the more hostile destinations in the world for African migrants (Claassen, 2017). Widespread attacks targeting foreigners took place in May 2008, killing 62 people and making international headlines. Another wave of violence occurred in April 2015, leading to an outcry across Africa and the recall by Nigeria of its ambassador as a protest against the attacks. These are not attacks caused by small bands of provocateurs or criminals. Both qualitative and quantitative evidence suggests widespread participation in, and support for, the evidence in the affected communities (Claassen, 2017). Indeed, a number of commentators have remarked on the elevated levels of xenophobia observed in South Africa, with African nationals, in particular, facing everyday hostility and violence (Everatt, 2010). In fact, South Africa xenophobia appears to take the form of widespread antipathy and intolerance punctuated by acts of hostility and violence. The violence that took place in 2008 and 2015, as well as the hate crimes that occur with everyday regularity, present a pressing human rights concern (Claassen, 2017).

### **Research Questions**

Though criminology is an applied social science, thus criminologists investigate crime in order to generate practical solutions to the problem. Theory and research on the causes of crime and criminal behaviour can provide information that can be used either to prevent crime from occurring or to lessen its impact on society (Vito and Maahs, 2015). In conducting a criminological analysis on safety and security of African foreign nationals in Durban, an emphasis was on the following key questions from which answers helped to gain a clear understanding of the overall human security of African foreign nationals in Durban.

This research answered the following questions:

1. What are the safety and security threats that African foreign nationals living in Durban, South Africa experience?
2. What are the factors that account for these threats?
3. What should be done to ensure the safety and security of African foreign nationals living in Durban?

Answering these questions creates the possibility of improving human security in various ways. These include creating an enabling environment of human well-being in communities through policymaking as suggested in this research, for the betterment of the living conditions of African foreign nationals residing in Durban and in South Africa at large.

### **Aim and Objectives**

From a human rights perspective, this study is a criminological analysis on the safety and security of African foreign nationals living in Durban South Africa. The study is guided by the following main objectives:

1. To assess the threat to the safety and security of African foreign nationals residing in Durban South Africa;
2. To describe the nature of the threat to the safety and security of these foreign nationals
3. To determine what should be done to ensure the safety and security of African foreign nationals residing in Durban South Africa.

### ***International Legal Framework***

While the 1960s and 1970s saw a progressive expansion of the international refugee protection regime, from the 1980s onwards refugee policies have become increasingly restrictive, with industrialised countries, in particular, violating international norms (Hargrave and Pantuliano, 2016). Manifestations of this trend include interdiction, interception, offshore detention and restrictions to family reunification rights. These negative attitudes are increasingly being replicated in lower-income countries that have hosted large numbers of refugees, often for many years, and are today home to 85% of the world's refugee population (Hargrave and Pantuliano, 2016).

The European Union (EU) member states have made long-term legal commitments under international human rights and refugee law in UN General Assembly Resolution 69/167 of December 2014, to protect and promote the human rights of all migrants, irrespective of their status. As signatories to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, these states have specific responsibilities to provide international protection for people fleeing ‘persecution or serious harm’. The convention obliges states to grant refugees’ rights to work, education, housing and the judicial system and protects them from punishment for entering a country illegally (Metcalf-Hough, 2015).

Although the aftermath of World War I marked the first stage of the process of creating a unified regime for the protection of refugees, many states have adopted increasingly complicated and severe deterrence policies to keep asylum seekers out (Ormsby, 2017). Refugee policies have become increasingly restrictive in recent decades, with industrialised countries, in particular, violating international norms both in their letter and their spirit (Hargrave and Pantuliano, 2016). According to Hargrave and Pantuliano (2016), restrictive policies in Europe have created a ‘new paradigm’ for refugee policies, and the violation of international obligations towards refugees in Europe meant that international legal instruments ‘do not have any integrity’.

In the early 1990s, Australia pursued a deterrence policy aimed at preventing ships carrying asylum-seekers from reaching Australia by either transferring them to offshore detention centres or returning them to their point of embarkation (Hargrave and Pantuliano, 2016). Hargrave and Pantuliano (2016), note that as of 31 May 2016, 1,309 asylum-seekers were in detention in Australian-funded processing centres in Nauru (466, including 50 children) and Manus Island (843). In 2013, the government introduced Operation Sovereign Borders, a military-led border security operation aimed at intercepting and deterring asylum-seekers hoping to reach Australia by sea. The entire process from detention to deportation implies serious violation of human rights since it involves physical violence and injuries, and it affects the safety and security of these foreign nationals within the borders of Australia.

It is in this context that the need to conduct a criminological analysis on safety and security of African foreign nationals in Durban South Africa arises. The aim is to assess

the extent to which African foreign nationals in Durban South Africa experience threats on their safety and security in their daily lives.

### **Importance of the study**

Criminology has been concerned with the nexus between crime and migration for over a century – in fact, it is arguably one of its most enduring concerns or foundational stories (Pickering and Ham, 2017). The various relationships between migration, offending and victimisation have informed a wide criminological scholarship that is often driven by some of the early lines of inquiry of the Chicago School. Moreover, the nexus between migration and crime came to be the device by which criminology as a discipline sought to tackle historically high problematic issues of race and ethnicity (Pickering and Ham, 2017).

However, under conditions of globalisation, irregular migration has come to be constructed and responded to as one of the most pressing national and international criminal problems. Often entangled with concerns over global terrorism, increased government and supra-government concern with irregular mobility have generated new legal, political, social and criminal justice responses that have far-reaching impact in terms of global mobility, human rights and the rule of law (Pickering and Ham, 2017).

People leave their homes for a wide variety of often overlapping reasons, and the status granted to them under domestic or international law is a factor of great importance in determining the protection they receive and their future. Nonetheless, whether they are fleeing from conflicts or disasters, or are simply seeking a better future for their family, whether they cross borders or are displaced within their own country, these people often face the same hardships and encounter the same pitfalls along the way.

International Red Cross and Red Crescent (ICRC) President Peter Maurer described the difficulties that migrants experience in the following terms:

Once on their journey, migrants and internally displaced persons (IDPs) face multiple risks and high degrees of vulnerability. When they reach their destination, they often face difficulties in accessing health care, housing, education or employment. They may become easy targets for abuse, extortion and exploitation due to a lack of a protective family network, a lack of information or missing documents. Many suffer accidents or illness and cannot



benefit from medical care. Some lose contact with their families. Thousands die or disappear along the way every year. Many are held in prolonged detention for having entered or stayed irregularly in a foreign country, in disregard of the fact that detention should always be an exceptional measure of last resort and limited in time” (Bernard, 2017).

For Bernard (2017), missing migrants, unaccompanied minors (an especially vulnerable group of migrants), immigration detention, the issue of data protection and urban displacement are some of the most serious humanitarian problems related to the phenomenon of migration and displacement.

This thesis is a criminological analysis on the safety and security of African foreign nationals in Durban South Africa. It is imperative, to begin with a basic explication of the key concepts and a historical perspective of migrants so as to provide a contextual basis for the presentation of the problem under investigation. Human migration is an age-old phenomenon that stretches back to the earliest periods of human history. In the modern era, emigration and immigration continue to provide States, societies and migrants with many opportunities. At the same time, migration has emerged in the last few years as a critical political and policy challenge in matters such as integration, displacement, safe migration and border management (McAuliffe and Ruhs, 2017).

Factors underpinning migration include economic prosperity, inequality, demography, violence and conflict, and environmental change (McAuliffe and Ruhs, 2017). While the overwhelming majority of people migrate internationally for reasons related to work, family and study, many people leave their homes and countries for other compelling reasons, such as conflict, persecution and disaster (McAuliffe and Ruhs, 2017). Armed conflicts in various parts of the world, including Afghanistan, the Central African Republic, the Democratic Republic of the Congo, Somalia, South Sudan and Syria, continue to cause immeasurable hardship for entire populations, prompting increasing numbers of people to flee within countries or across international borders. By the end of 2015, the number of refugees, asylum-seekers and internally displaced persons forcibly displaced reached an unprecedented 65.3 million (Refugees, 2016). Migrants – a term covering a broad set of persons, including refugees as a specific legal category under international refugee law – reached 244 million worldwide in the same year (Gieseken, 2017). International migration is even more prevalent, with the most

recent global estimate indicating that more than 740 million people had migrated within their own country of birth.

According to Rehn and Sirleaf (2002), “modern-day conflicts have caused economic disruption and they have been created by it”. The “economies of war” are the result of the exploitation of natural resources; the creation of armed groups and other power brokers thrive on the instability of conflict in order to gain control of valuable resources and property. Still, Rehn and Sirleaf (2002) have reported that the long-term effects of conflict and militarization create a culture of violence that renders women especially vulnerable after the war, along with their deepening of violence they experience during the war.

The above are some of the contributing factors that make someone take a hard decision to flee and find refuge in a foreign land where they are often victims of crime. The recurring violent attacks against African foreign nationals in South Africa, which are the subject of this study, are one such example.

### **A historical overview of Migration**

The history of human societies – indeed the story of life – may be told as the history of migration. Animal and plant species migrated from oceans to land. The earliest primitive tribes were nomads – migrants by profession. Early human species radiated to all parts of the huge continents they inhabited. Natural barriers were overcome. Mountains, oceans and deserts have been traversed by migrant groups for thousands of years (Freilich and Addad, 2017). There have been periods during the 20<sup>th</sup> century when huge numbers of people have migrated to new lands. The United Nations Population Division estimates that there are more than 100 million persons living in countries that are not their place of birth. This is probably an underestimate. It does not include those living outside their own ethnic ‘policy’ and more than 20 million designated by the United Nations as refugees (Freilich and Addad, 2017).

Nevertheless, human mobility is a natural dimension of humanity, and everything suggests that it can only continue to increase in our globalized world, the issue of migration is at the heart of the agenda today doubtless due to the massive influx of people knocking on the doors of prosperous nations. This influx is a result of protracted conflicts, crimes against civilians and the march of globalisation (Bernard, 2017). While it is true that mass population movements have reached harrowing proportions,

the history of hospitality shows us that major crises in the past have often led to a surge in solidarity and the progressive extension of international system of protection. Therefore, effective solutions are urgently needed for people on the move, in camps, at the border of rich nations and in countries at war, because time lost will cost more human lives (Bernard, 2017). Simply put, the last century has witnessed significant growth in immigration. Recent figures show that “232 million people worldwide are residing outside their country of birth, representing an increase of 25 per cent in just over a decade” (Pickering and Ham, 2017: 11).

### ***African Migration and Migrants***

Africa is often seen as a continent of mass displacement and migration caused by poverty and violence conflict (Flahaux and De Haas, 2016). The portrayal of African as a ‘continent on the move’ is linked to stereotypical ideas of Africa as a continent of poverty and conflict. In recent years, irregular migration from Africa to Europe has received extensive attention. Sensationalist media reportage and popular discourses give rise to an image of an ‘exodus’ of desperate Africans fleeing poverty at home in search of the European ‘El Dorado’ (Flahaux and De Haas, 2016). However, millions of Africans are believed to be waiting to cross to Europe at the first opportunity. The three assumptions underlying such argumentations are that African migration is: high and increasing; mainly directed towards Europe and driven by poverty and violence. Representations of extreme poverty, starvation, warfare and environmental degradation amalgamate into an image of African misery (Flahaux and De Haas, 2016). Irregular migration occurring from Sub-Saharan Africa and the Maghreb to Europe has also increasingly been defined as a security problem associated with international crime, trafficking and terrorism (Castles et al., 2013). As the United Nations Office on Drugs and Crime (UNODC) stated, “The system of migrant smuggling (...) has become nothing more than a mechanism for robbing and murdering some of the poorest people of the world” (UNODC,2006, p. 20).

Based on the common perception that poverty and income gaps between poor and rich countries are the root causes of migration and faced with the ineffectiveness and perverse effects of increased border controls, the frequently proposed long-term ‘solution’ to this phenomenon is to stimulate development in origin countries through aid, trade, or remittances (De Haas, 2007). Nevertheless, the idea that much African

migration is essentially driven by poverty ignores evidence that demographic and economic transitions and development in poor countries are generally associated to increasing rather than decreasing levels of mobility and migration and that the relationship between development and migration is fundamentally non-linear (Flahaux and De Haas, 2016).

In 2017 over 19 million Africans were living in another African country, a significant increase from 2015 when 16 million Africans were estimated to be living within the region. The number of Africans living in a different region only grew moderately during the same period, from around 16 million in 2015 to around 17 million in 2017 (McAuliffe and Ruhs, 2017).

Since 2000 international migration within the African region has increased significantly. In 2017, Egypt had the largest number of people living abroad, followed by Morocco, Somalia, Sudan and Algeria. In terms of the number of immigrants, South Africa remains the most significant destination country in African, with around 4 million international migrants residing in the country (or around 7% of its total population). The number of migrants moving to South Africa increased by nearly 1 million between 2015 and 2017. Other countries with high immigrant populations as a proportion of their total populations included Gabon (14%), Libya (12%), Djibouti (12%), the Gambia (10%) and Cote d'Ivoire (9%).

### ***Labour migration in West Africa***

Gregory (1988), demonstrates that modern labour migration in West Africa outside Nigeria consists basically of two sets of flows. The first is made up of migrants from less-developed regions of the interior that move to regions near the coast that produce cash crops and extract natural resources for the export economy. The second set links rural and urban areas and accounts in large part for phenomenal rates of urbanization, which are approaching 8 per cent annually in some countries. However, internal networks in almost every country take rural people to cities (and back again, although in substantially fewer numbers). In addition, in some instances, migrants from rural areas in one country move to urban areas in another (Cordell et al., 1996).

### ***Religious Migration***

Religion, notably Islam, also moved people in West Africa. And when moved, many migrated. Some of this mobility was individual, as in the case of the thousands of pious Muslims who made the pilgrimage to Mecca and returned, often teaching, trading, farming, marrying, and settling along the way. Others of the pious migrated for religious education – to study at local, regional, and international centres of Islamic learning (Cordell et al., 1996). Such mobility was often circular and for centuries has been frequently linked to long-distance Muslim commercial migration (Clark, 1994).

### ***Slave Trades, Slavery, Emancipation, and Migration***

According to Curtin (1969), “the Atlantic slave trade is most surely the form of historical migration most allied with the African continent in general and West Africa in particular”. Frequently quoted as “the largest forced migration in world history”, the commerce is estimated by most scholars to have resulted in the departure of nearly fifteenth and late nineteenth centuries (Cordell et al., 1996).

Slaves themselves, of course, also became migrants whose value, it is said, usually increased with the distance from their homelands. Within West Africa, forced migration associated with slavery redistributed labour, particularly in the nineteenth century when the abolition of the Atlantic trade led to a drop in slave prices. Cordell et al. (1996) argue that the seasonal or permanent flight of people to avoid being taken into slavery was yet another form of migration.

### ***Marriage migration***

In West Africa, where the larger number of societies, by far are patrilineal and patrilocal, the migration of women to their husbands’ communities constitutes another major form of mobility spanning the pre-colonial, colonial, and contemporary eras. Indeed, in terms of sheer numbers, the moves of women associated with marriage undoubtedly dwarf all forms of male labour migration. While most writers on “modern” migration in West Africa in recent years ignore this phenomenon, perhaps because they consider it to be a “traditional” form of mobility, as Cordell et al. (1996) would argue that the movement of women has been and remains a major form of labour migration. This is because the marriage transaction itself in many African societies is a social arrangement involving the reproduction of labour – directly through the transfer of a

wife's labour power to her husband's village and indirectly through the wife's capacity to have children and thus reproduce labour from one generation to another.

### *Human trafficking as a form of migration*

Trafficking has emerged as a global theme in addressing migration. The growth of trafficking in persons by organized criminal groups has meant a major increase in abuse of migrants by non-State actors, making it a compelling issue for human rights advocates as well as for law enforcement (Taran, 2001).

There has been an increased interest in human trafficking which very often is used interchangeably with human smuggling even though these two terms appear to differ in their nature. Traditionally, human trafficking is to be seen as a modern form of slavery which appears in many shapes and forms around the globe, including as sexual exploitation, bonded labour, forced labour, war slavery, child labour, and child soldiers (Peterka-Benton, 2011). On the contrary, however, human smuggling is usually described as an illegal crossing of international borders by migrants without the use or threat of force by smuggling operators.

In fact, migrant trafficking is recognised by migration experts and policymakers to be undermining international concerted efforts to produce ordered migration flows and can thus be seen as a subject of growing political concern. Trafficking is also believed to be increasing in scale and sophistication though widely condemned for its inhumane practices and links to international organized crime. Salt and Stein (1997: 467) model "conceives of trafficking as an intermediary part of the global migration business facilitating the movement of people between origin and destination countries." The model is divided into three stages namely mobilisation and recruitment of migrants, their movement en route, and their insertion and integration into labour markets and host societies of destination countries. Risley (2008) reports that between 600,000 and 800,000 individuals are trafficked across international borders annually for the purposes of forced labour and sexual exploitation (see also the United States Department of State 2005).

Nevertheless, human trafficking has been described as modern-day slavery. Its victims are exploited for labour, including commercial sex. According to Valtonen (2016: 17-18), "to control their victims, traffickers use force, fraud or coercion, including techniques such as confinement, beatings, rape, confiscation of documents, debt

bondage, false offers or employment, and threats of harm to the victim or the victim's family". However, the positions in which victims are enslaved include field labour, prostitution, exotic dancing, and pornography, domestic servitude, servile marriage; factory labour and hotel and restaurant labour (Valtonen, 2016).

### ***Migration in South Africa before 1994***

The migration began in West Africa in pre-colonial times, when there were no clearly definable territorial borders and many sections of the population were nomadic, but it was colonization which first led to the large-scale liberation and mobilization of the labour force. The various forms of forced and taxation-led labour previously described drove countless members of peasant families, and indeed entire families, to leave their land. It is estimated that the forced cultivation of cotton alone caused an exodus from Upper Volta of 100,000 peasants, who then sought work on the former Gold Coast (Potts, 1990).

To many observers, Africa appears to be a continent beset with crisis and violent confrontation. It is a region where the concepts of intrastate conflict, collapsing states and failed states find numerous and facile applications. Zartman (1995) defines a collapsed state as a situation where the structure authority (legitimate power), law, and political order have fallen apart.

During the 1980s and early 1990s, the Southern African region was exemplary of collapsing states (Angola and Mozambique), the deterioration of central authority, and the disintegration of social cohesion, widespread of corruption, ethnic strife, humanitarian disasters, refugee flows and over-expenditure on defence. As a consequence, many citizens of these countries have made their entry into the Republic of South Africa. However, immigration to South Africa is presented as a new, growing, illegal and negative phenomenon, and largely (Southern) Africa. The influx is linked to political liberation in 1990 and the formation of the new South Africa in 1994.

The immigration to South Africa from the rest of Africa has grown since the racially exclusion statutory restrictions were removed in 1986. The first to arrive were West African professionals who came to work in the hospitals, schools and universities of the 'homelands' and rural areas. During the 1990s, immigrants from East, Central and West Africa have become increasingly visible in South Africa encountered in shops, vending on the streets. As doctors and nurses in government hospitals as teachers and

students, etc. particularly in recent years has been the increase in migration from francophone East and Central Africa.

Although Africans were not legally welcomed in South Africa, whites fleeing the black governments of the newly independent states of East and southern Africa were. From the late 1950s and early 1960s, white immigrants from Kenya Tanzania, Uganda and Zambia arrived in significant numbers. They were followed in the 1970s by whites leaving Angola and Mozambique after the Portuguese revolution of 1974, and from Rhodesia following the declaration of UDI in 1976 and in the 1980s after Zimbabwe gained independence (Potts, 1990)

Over half of the Southern Africans who have entered as permanent residents or on work permits have come to work as professionals, the majority in South Africa's hospitals, universities and schools (De Vletter, 1995). Over 50% of the doctors working in government hospitals are non-South Africans. A significant number of these medical professionals come from Southern Africa. In 1991 alone, 200 Zimbabwean doctors left for South Africa and Botswana, although the employment of southern African professionals contributes to the skills base of South Africa, their loss is of considerable concern to the sending countries.

Between 1913 and 1986 (and from then only at the discretion of the Immigrants' Selection Board and immigration officials), non-whites were not eligible for temporary or permanent residence permits. Non-white people could only enter South Africa illegally or as contract workers. Once there, like contract or undocumented workers, they were still unable to regularise or make their positions permanent. However, archival evidence from 1910 onwards shows that people from all over southern Africa have been coming to South Africa in significant numbers (and in smaller numbers from the rest of Africa) since at least the turn of the century. These immigrants arrived in South Africa to work on farms, in industry, homes, restaurants and shops; to trade; and to seek opportunities for self-employment.

Despite the apparent concern over the number of regional immigrants in the country, the renegotiation of the Mozambique Convention in 1963 led to an 'Exchange of Notes', between the two governments relating to clandestine immigration. This exchange allowed undocumented migration to continue until or unless either government decided to halt it. The evidence gathered by the Froneman Commission



also shows that, by the early 1960s, non-South Africans who had migrated from the region were entrenched in every sector of SA's labour force. They not only worked in private homes and industries but for the government as well, reflecting the ambiguity and passivity of the government's attitude to regional immigration

### **Key concepts of the study**

As this study is a criminological analysis, it is important to provide some form of clarity by providing meaning for the key concepts that are used in this research. These concepts include criminology, safety and security, human rights and foreign nationals.

#### ***Criminology***

Criminology is mostly defined as the systematic study of the nature, extent, cause, and control of law-breaking behaviour. As an applied social science discipline, criminologists work to establish knowledge about crime and its control based on empirical research (Lanier, 2018). Research seeking to understand, explain, predict and prevent criminal offences as well as formulate criminal justice policy. Ever since the term *criminology* was coined in 1885 by (Garofalo, 1914), the content and scope of the field have been controversial. Critics and commentators have raised several questions about its academic standing. Criminology concerns itself with the theoretical and empirical study of the causes of crime. Criminology is clearly policy oriented.

Merriam-Webster (2019, January 04) defines criminology as the scientific study of crime as a social phenomenon, of criminals, and of penal treatment. The most influential criminologist of the last century, Edwin Sutherland, defined criminology in 1924 as "the body of knowledge regarding crime as a social phenomenon that includes within its scope the process of making laws, of breaking laws, and of reacting toward the breaking of laws" (Clarke, 2018). For Conklin (1998: 17), "criminology is a discipline that gathers, and analyses empirical data derived from actual events to explain criminal offences and the community's reaction to them". To that end, criminology has to do with the scientific study of crime. According to Lanier (2018), criminology is concerned mainly with criminals and criminal acts and the criminal justice system's response to them. Victimology, on the other hand, is the study of who becomes a victim, how victims are victimized, how much harm they suffer, and their role in the criminal act. It also looks at victims' rights and their role in the criminal justice system.

Criminological theories address some of the most central issues concerning the constitution of societies and their moral beliefs. How we deal with law-breakers and victims, as well as those who respond to them, tells us a lot about the places in which we live, its membership, limits, and goals and ideas (Pickering et al., 2015). The ways in which societies think about punishment and deviance illuminate questions of social order and solidarity. They respond to victims, and what they define as crime, reveal ideas about vulnerability, desert and safety. Again, the relationship between immigration and crime is arguably a foundational aspect of criminology, particularly for scholars influenced by the Chicago School and attentive to the US context.

While other settler societies like Australia and Canada, and the former colonial powers of Europe, have been shaped by migration until recently little criminological attention has been given to such matters. Instead, much of post-war criminological scholarship was defined by, and confined to, the boundaries of the nation-state and its citizenry (Pickering et al., 2015). For Simmel and the Chicago School, the foreigner was inherently an elusive figure, who brought with him certain cultural practices and expectations, which the host society either had to deflect or integrate (Pickering et al., 2015).

Nevertheless, the field of criminology of mobility has outlined a complex set of conditions of precariousness to which migrants, living in the shadow of the law, are exposed in their everyday realities. The precariousness includes not only the physical dangers of the journey but also social marginality upon arrival, economic hardship and exploitation, as well as intrusive policing, surveillance and the threats of deportation and detention (Pickering et al., 2015).

### ***Safety and Security***

According to Merriam-Webster, the primary definition of safety is "the condition of being free from harm or risk," which is essentially the same as the primary definition of security, which is "the quality or state of being free from danger." However, security is a complex phenomenon that is variously defined and hence has been categorized into different types such as human security and national security. For example, the definition of security as "measures taken to guard against espionage or sabotage, crime, attack or escape," is generally the definition mostly used when referring to industrial security. Using these definitions, we can better understand not only the types of security but also

the relationship between safety and security (Merriam-Webster, 2010). The relationship is such that weakness in security creates increased risk, which in turn creates a decrease in safety. So, safety and security are directly proportional but are both inversely proportional to risk. While this may all seem elementary, understanding the relationship between safety and security is very important in understanding how to integrate the two (Merriam-Webster, 2010).

### *Human Security*

The concept of human security emerged after the Cold War since the traditional notion of national security could no longer explain the new security environment, marked by a rise in the number of civil wars, terrorism, and other causes of large-scale human suffering (Lee and Kim, 2011). The acceleration of globalization, diversification of enemies, and efforts to reduce these security threats all contributed to the emergence and acceptance of the concept of human security. This study stresses the need to embrace a more holistic approach under the human security perspective to provide a more comprehensive solution to the issues surrounding the safety and security of foreign nationals in Durban South Africa.

Throughout human history, the outsider, the ‘other’, has been the focus of suspicion and often hatred’ (Wohlfeld, 2014). While the national security perspective focuses on border management challenges that may undermine a state’s sovereignty as well as migration’s real or imagined threats to the population of countries of destination, human security as an alternative approach to migration has placed the migrant as the referent object of threats (Wohlfeld, 2014). Johansen (2017) is of the view that human insecurity may come from denial of basic human rights or lawlessness at home or abroad such as genocide, crimes against humanity, and crimes against the peace. Human security does not negate national security – it incorporates all legitimate elements of national security while giving them human faces and directing them toward enlightened outcomes.

Human security has roots in the Universal Declaration of Human Rights, already endorsed by nearly all countries of the world. Foremost is the right to life – a life of dignity for every person on the earth (Johansen, 2017). Any deliberate taking of innocent life, whether by states or nonstate actors, is unacceptable. By aiming to protect all people’s lives through reducing direct and structural violence, one can gradually

deepen a sense of human solidarity and encourage all-inclusive human identities in which people begin to treat all others as people of equal moral worth (Johansen, 2017). However, the human security as a human-centred concept was founded on the same ground as the related concepts of human rights and of human development, which emphasizes that human being is the main object of the concern, irrespective of nationality, religion, ideology, or ethnic group (AdisÖNmez, 2016).

Edwards and Ferstman (2010), in their discussion of the case study of stateless refugees and political migrants, argue that

the people-centred focus of human security, irrespective of one's attachment or allegiance to the state, is conceptually powerful for non-citizens. Second, it is also powerful because the application of international human rights law has at times been bogged down in distinctions between nationals and non-nationals, with the latter rarely enjoying the same level of human rights protection as the former.

They also highlight how human security can be beneficial for all kinds of migrants, be they contractual labourers, permanent migrants, undocumented or political refugees. In assessing the potential of human security, they argue that at the minimum it can become a rhetorical impetus for joint action, and at best, it can present new ways to think about problems related to migrant protection (Edwards and Ferstman, 2010).

Even the concept of human security itself is also variously understood. Newman (2016) is of the view that human security securitizes everyday issues and challenges, such as deprivation, environmental degradation, disease and human rights abuse. It blurs the distinction between domestic and international security. It is also inherently transdisciplinary since it sees any threat to the vital integrity of individuals as a security challenge, whatever the source.

For Elliott (2015), human security was intended to take account of the ways people's lives are made insecure and unsafe even in the absence of violent conflict or social unrest, claiming these problems to be of profound significance and ones which should place emancipation at the centre of new security thinking, hence the reason of the use of Human Security as a conceptual framework in this study. African foreign nationals being the referent objects, the study focussed on different ways in which people experience threats to their safety and security, by identifying pressing issues threatening

their safety and security in the areas of health, politics, economy, food provision, environment as well as personal. This conjures key components of human security namely:

1. **Economic security** which means that an individual should have a basic income, usually from productive and remunerative work or at least from a public safety net.
2. **Food security** requires that all people at all times have both physical and economic access to basic food.
3. **Health security** aims to guarantee at least minimum protection from diseases and unhealthy lifestyles.
4. **Environmental security** aims to protect people from the short-term ravages of nature, man-made threats, and deterioration of the natural environment.
5. **Personal security** aims to protect people from physical violence, whether from the state or external sources, from violent individuals and sub-state actors, from domestic abuse, or from predatory adults.
6. **Community security** aims to protect people from the loss of traditional relationship and values and from sectarian and ethnic violence.
7. **Political security** is concerned with whether people live in a society that honors their basic human rights.

As alluded to in the foregoing, the notions of safety and security are inextricably netted with that of human rights. It is also important, as I do below, to unpack the idea of human rights.

### ***Human Rights***

The concept 'human rights' derives primarily from the United Nations Charter, which was adopted in 1945 immediately after the Second World War (Freeman, 2017). The Preamble to the Charter declares that the United Nations (UN) was determined to 'reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women, and of nations large and small'. In 1948, the UN General Assembly adopted the Universal Declaration of Human Rights, which sets out a list of human rights 'as a common standard of achievement for all people'. The list includes such civil and political rights as freedom from slavery, torture, arbitrary arrest, and detention; freedom of religion, expression, and association; and a

number of economic and social rights such as the rights to education and an adequate standard of living (Freeman, 2017).

In fact, there is something deeply attractive in the idea that every person anywhere in the world, irrespective of citizenship or territorial legislation, has some basic rights, which others should respect. The moral appeal of human rights has been used for a variety of purposes, from resisting torture and arbitrary incarceration to demanding the end of hunger and of medical neglect (Sen, 2017). As stressed by Guild et al. (2017), migrants have human rights: this is a legal fact in international, regional and national law around the world. As human beings, migrants are entitled to the protection and guarantee of human rights by all States within whose jurisdiction they may find themselves. Guild et al. (2017) point out that human rights are not exclusively for citizens; they are for everyone. Respect for the human rights of migrants is not aspirational or optional, but obligatory for State authorities. National law must conform to those international obligations to which States have committed themselves. These commitments have been drafted, negotiated and adopted by the States themselves; they are not ‘imposed’ on them by some outside entity (Guild et al., 2017).

However, of particular importance for migrants are States’ international human rights commitments, which constitute a floor of rights below which national law and the actions of State authorities must not fall. State officials must act in conformity with national, regional and international law, including human rights law, in all their activities regarding migrants, be they at the borders, within the State or simply under their jurisdiction (Guild et al., 2017). Migrants are just as entitled to respect and State compliance with (almost) all human rights as citizens of a State (Guild et al., 2017). This is the principle of equal treatment and non-discrimination, which is a human right in itself contained in all the nine core human rights conventions.

Nonetheless, there are two types of exceptions in international human rights law. The first type of exception is in respect of rights which on their face exclude migrants and which are mainly limited to the field of democratic process (such as voting rights) (Guild et al., 2017). The second type of exception is very different – these exceptions permit States to limit certain human rights (but not all) where this is justified on the grounds enumerated in the convention. While some human rights can be subject to limitations, such as the right to family life, others are absolute, such as the prohibition

on torture or return to a country where there is a substantial risk that the person would suffer torture (Guild et al., 2017). Nonetheless, the scope of the exception must not discriminate on the basis that the person claiming the right is a citizen or a migrant unless the State can justify the difference in treatment and show that it is proportionate to the objective sought.

Nevertheless, the Universal Declaration of Human Rights is the starting point of the UN post- WWII human rights. It commences with the acknowledgement that ‘whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world’ (Guild et al., 2017). Human dignity is the starting place of all human rights and the foundation of them. The central framing of ‘inherent dignity’ in the Universal Declaration reflects an understanding of the goal of human rights – to ensure that each individual can lead a life of dignity. It is through human rights – both the extension of them and, most importantly, substantive access to them in practice – that individuals can lead dignified lives. Equality and the right to non-discrimination are key ways to realise dignity. This is just as true for migrants as for citizens.

To that end, liberties and benefits based on human dignity which, by accepted contemporary values, all human beings should be able to claim “as of right” in the society in which they live are outlined. These rights are contained in the International Bill of Rights, comprising the Universal Declaration of Human Rights, 1948, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights, 1966 and have been developed by other treaties from this core (e.g. There is also the Convention on the Protection of All Migrant Workers and Members of Their Families, 1990) which is particularly relevant to foreigners.

### ***Foreign nationals***

The concept “foreigner” inevitably emerged from the organisation of humans into distinct groups, largely those of towns or cities that developed their own unique lifestyles, religions and cultures (Freilich and Addad, 2017). However, foreign national is a descriptive phrase that is used in this research to refer to “all nationals of a state other than South Africa who are ordinarily resident in South Africa under various immigration permits or without such permits” (CHR, 2009). They are also called

“international migrants”. Migrants have been loosely defined as “people of another state who have voluntarily or else come to settle down momentarily or permanently due to a number of pull and push factors such as war, persecution; economic opportunities abroad and so on” (CHR, 2009: 31). CHR (2009) states that voluntary migrants usually take the form of migrant workers as opposed to those fleeing persecution or natural disasters.

The concept “foreigner” represents non-citizen. It is, therefore, essential to reflect on the various categories of foreigners. Terms such as refugees, asylum seekers, strangers, immigrants, migrants, foreigners and aliens are all included under the overarching label ‘foreign nationals’ regardless of the motives of leaving their country of origins. In the South African legislation, the three broad categories that are utilised are refugee, migrant and immigrant.

### *Migrant*

The International Organisation of Migration (IOM) defines a migrant as any person who is moving or has moved across an international border or within a State away from his/her habitual place of residence, regardless of (1) the person’s legal status; (2) whether the movement is voluntary or involuntary; (3) what the causes for the movement are; or (4) what the length of the stay is. IOM concerns itself with migrants and migration-related issues and, in agreement with relevant States, with migrants who are in need of international migration services (IOM, 2011). Metcalfe-Hough (2015) provides the definition of the United Nations defining migrant as ‘an individual who has resided in a foreign country for more than one year irrespective of the causes, voluntary or involuntary, and the means, regular or irregular, used to migrate’. This definition formally encompasses refugees, asylum-seekers and economic migrants.

Simmons (1987) refers to the “UN Recommendations” distinguishing two clusters of immigrants by the duration of stay.

“The long-term migrant which refers to a person who moves to a country other than that of his or her usual residence for a period of at least a year (12 months), so that the country of destination effectively becomes his or her new country of usual residence, and on the other side, Short-term migrant which refers to a person who moves to a country other than that of his or her usual residence for a period of at least 3 months but less than a year (12s months), except in cases



where the movement to that country is for purposes of recreation, holiday, visit friends and relatives, business, medical treatment or religious pilgrimage” (Simmons, 1987: 998-1005).

According to Boyle and Keith (2014), migration includes international flows of large numbers of refugees stimulated by wars, famine or political unrest; young adults moving between regions in search of employment; middle-aged professionals moving back to the land in their search for a rural retreat; families moving down the road to satisfy changing housing requirements; and gypsies and other nomadic peoples for whom mobility is a way of life. Tomasevski (1994), points out that Migrants are easy to blame for crime because they are as a group almost always poor, and we know that ‘traditional’ street crime tends to be higher among the poorer classes, to live in the poorer housing, and congregate in the inner city. Nevertheless, the plight of migrants in their country of origin, along the migration routes and in third countries where they reside temporarily or permanently is often largely forgotten and their protection and assistance need not adequately addressed. Notably, migrants who live in – or are crossing through – countries affected by armed conflict may be particularly vulnerable (Gieseken, 2017).

In all situations, migrants are protected by different bodies of international law within their respective scopes of application, in particular, international human rights law (IHRL) and, in the case of refugees and asylum-seekers, international refugee law. Migrants are also protected by the domestic law of the State they are in. When migrants leave, or are in transit, in the territory of a State in which there is an armed conflict, they are also protected by the IHL (Gieseken, 2017).

This research relies on this understanding of migrants, as an “umbrella category for different categories of persons. The term migrant is used with foreign nationals interchangeably. Included are refugees, asylum-seekers and stateless persons, all considered ‘foreign nationals’ to mean people from different countries living on foreign land, regardless of the reasons or motives of their presence in the host country. The focus is mostly on African foreign nationals living in the city of Durban in South Africa.

Most of the literature in this study made use of “migrant” as a concept identifying people living on a foreign land regardless of the time and status in the host community. However, for the purpose of this study, the concept “foreign nationals” will be used

throughout to mean non-citizens who are living in Durban South Africa, including refugees, asylum seekers, migrants and immigrants. For ethical consideration, only documented or legal foreign nationals are part of this study, the target population being a group of African foreign nationals living in Durban South Africa.

### *Immigrants*

Harris (2001), asserts that “foreigners who are categorized as immigrants in South Africa share a permanence in their position. Unlike migrants who are defined through the temporary nature of their stay in the country, immigrants are those who enter another country in order to make one's permanent life and home in South Africa” (White Paper on International Migration, 1999, p. 52). Harris (2001), further contends that “immigrants fall into two broad categories namely, ‘permanent residents’ and ‘naturalized citizens’ the latter of which denotes a greater degree of permanence because the home country citizenship is surrendered in favour of South African citizenship”. For Ethical consideration, this study involves only African foreign nationals who are living legally in the city of Durban; illegal migrants and immigrants are not part of the study.

### *Refugees*

The description of who is a refugee, their rights and the legal obligations of states, is found in the 1951 UN Convention concerning the Status of Refugees which is considered to be the key document dealing with refugee legal matters worldwide. The 1951 Convention defines a refugee as “a person who is outside his or her country of nationality or habitual residence; has a well-founded fear of being persecuted because of his or her race, religion, nationality, membership of a particular social group or political opinion; and is unable or unwilling to avail him - or herself of the protection of that country, or to return there, for fear of persecution” (see Article 1A (2)).

However, Jackson (1991), states that “individuals who fulfil this definition are entitled to the rights and are bound by the duties contained in the 1951 UN Convention”. Therefore, “refugees are forced to flee because of the threat of persecution and because they lack the protection of their own country”. A refugee is thus “a person fleeing from individual persecution, generalized human rights violations or armed conflict in their country of origin” (United Nations Commissioner for Refugees [UNHCR], 1998, p.2). In the process of seeking refugee status, the applicant is first known as an ‘asylum-

seeker. According to the UNHCR an asylum-seeker is a person whose asylum claim has not yet been examined to ascertain whether his/her fear of persecution is well-founded (Jackson, 1991). The definition of “refugee” is based on binding instruments, such as the 1951 Convention relating resolutions and declarations that have been accepted by the Parties concerned, such as the Cartagena Declaration on refugees. Importantly, the decision of State to grant refugee status is binding upon all parties to the conflict and they must treat refugees as protected persons, even if they have not accepted the international instrument on which the refugee status determination was based (Gieseken, 2017).

### *Asylum Seekers*

An asylum-seeker is a person who seeks safety from persecution or serious harm in a country other than his or her own and awaits a decision on the application for refugee status under relevant international and national instruments. In case of a negative decision, the person must leave the country and may be expelled, as may any non-national in an irregular or unlawful situation, unless permission to stay is provided on humanitarian or other related grounds (IOM, 2011). According to Fleay and Hartley (2016: 1), “the term asylum seeker refers here to a person who arrived at a country of asylum but whose refugee status is yet to be determined”. Fleay and Hartley (2016: 1-2), confirms the report of the United Nations High Commissioner for Refugees (UNHCR) (2013) providing that “by the end of 2013, neighbouring countries to the largest source countries of asylum seekers hosted a total of 14.4 million or 86 per cent of the world’s refugees”.

To sum up, this section has provided meaning to different key concepts used in this research. The concepts help the readers who are not familiar to study get a clear understanding of their usage and how they make sense to the content in this thesis.

### **Conclusion**

Conducting a criminological study is to demonstrate how the criminology principles can inform the use of criminal knowledge and research for the prevention of incidents and mass violence and atrocity crimes, as well as for interventions when they evolve. The turbulence of modern migration has destabilized the routes of movement and created uncertainty about the possibilities of settlement. The scale and complexity of movement that is occurring currently have never been witnessed before in history and

its consequences have exceeded earlier predictions. To take account of this excess, migration must be understood in a broad sense. I see it not just as a term referring to the plight of the 'burnt ones', the destitute others who have been displaced from their homelands. It is also a metaphor for the complex forces which are integral to the radical transformations of modernity

### *Structure of the thesis*

This study comprises seven chapters that traverse various important research aspects that constitute an intellectual engagement on a criminological analysis of the safety and security of African Foreign Nationals living in Durban South Africa. The thesis is chapterised as follows:

#### *Chapter One: General orientation & Problem formulation*

The chapter introduces the overall study by identifying the central problem under investigation, and why it is important. The chapter explains the concepts of criminology, safety and security, human security, human rights, as well as foreign nationals. The chapter also includes a historical context of migration law in the Republic of South Africa.

#### *Chapter Two: Theoretical Framework*

This chapter discusses the two theories applied in this study as a conceptual framework. These are the Human Security as well as Strain Theory. The concept of Human Security explains the notion of safety and security, which are central to the rationale for this study, the problem statement, the purpose, the significance and the research questions. Similarly, Strain Theory is used to demonstrate some reasons why individuals engage in criminal behaviour against fellow humans. Strains are born from an unsatisfactory life condition and are the triggering factors leading to anger, frustration, depression as well as fear justifying Xenophobia in Durban and in South Africa as a country at large.

#### *Chapter Three: Literature review*

Chapter Three reviews relevant empirical studies that traverse issues threatening the safety and security of African foreign nationals as to assess their human security in South Africa. The chapter illustrates the causes of migration and their

experiences in host countries at both the local and global level. It ends by examining anti-immigrants attitude which constitutes xenophobia.

#### *Chapter Four: Research Methodology*

In this chapter, the research methodology used for the execution of the study is described. The chapter outlines how qualitative research methods and principles were applied in the execution of the study. The research approach is identified, participants selection and recruitment criteria are explained, data collection and analysis procedures are also outlined. Some notes on the ethical considerations made during the study are also provided.

#### *Chapter Five: Research Findings: Safety and security of African foreign nationals in Durban South Africa*

Chapter five outlines the results of qualitative data analysis. The findings are interpreted to give meaning and answers to research question through the lenses of the literature and conceptual framework used in this study.

#### *Chapter Six: Discussion of findings*

This chapter discusses the findings as reported by participants in this study. The discussion focuses on the significance of the work by stating the relationship between the results and research questions. The chapter also offers potential future avenues for further research.

#### *Chapter Seven: Conclusion and Recommendation*

This conclusion chapter deciphers the conclusions of the whole thesis, illuminating new insights on how best to address xenophobia in South Africa. Recommendations for further research are also provided.

## **CHAPTER TWO**

### **THEORETICAL FRAMEWORK**

#### **Introduction**

This chapter describes the theoretical framework used in this research to explain security experiences of African migrants in South Africa. In recent years, scholars and policymakers have suggested using human security as an approach to address the challenges of migration. By bringing the focus away from the state and into the human dimension of migration, human security aims to address the problems of statelessness, lack of migrant protection at both the sending and receiving states (San Jose, 2015). Similarly, Strain Theory is used to demonstrate some reasons why individuals engage in criminal behaviour against fellow humans.

#### **The concept of Human Security**

The first major statement concerning human security appeared in the 1994 Human Development Report, an annual publication of the United Nations Development Programme (UNDP). The concept of security, the report argues, “has for too long been interpreted narrowly: as security of territory from external aggression, or as protection of national interests in foreign policy or as global security from the threat of nuclear holocaust .... Forgotten were the legitimate concerns of ordinary people who sought security in their daily lives” (Paris, 2001: 89).

According to Adger et al. (2014), human security can be defined as a condition that exists when the vital core of human lives is protected, and when people have the freedom and capacity to live with dignity. In this assessment, the vital core of human lives includes the universal and culturally specific, material, and non-material elements necessary for people to act on behalf of their interests. Adger et al. (2014), are of the view that human security is influenced by many phenomena including the operation of markets, the state, and civil society. In addition, poverty, discrimination and many kinds and extreme natural technological disasters undermine human security.

At its core, human security and insecurity are universal issues. Pietsch and McAllister (2010), are of the views that “in every country, there are individuals and groups who are unsecured.” However, the direct material aspects of livelihood security include

access to food, housing, clean water, employment, and the avoidance of direct risks to health (Adger et al., 2014)

For this reason, Liotta and Owen (2006: 39), point out that “human security takes the most dramatic step by making the referent object, not the state, society, or community, but the individual”, hence the reason for this study to conduct a criminological analysis on safety and security of African foreign nationals in Durban South Africa. Liotta and Owen (2006), report that the UN Commission on Human Security attempted to expand the 1994 UNDP concept to include protection for peoples suffering through violent conflict for those who are on the move (whether due to migration or as refugees), for those in post-conflict situations, and for protecting and improving conditions of poverty, health, and knowledge.

Nevertheless, some human security scholarship also seeks to present explanatory arguments concerning the nature of security, deprivation and conflict, by focusing on the individual level. In addition, most scholars and practitioners working on human security emphasize its policy relevance; they believe that the concept of human security can and should result in policy changes that improve the welfare of people (Newman, 2016).

Whilst human security has been taken up most actively within international studies, the broader debates around the concept are very much relevant to criminological discussions of security, and these discussions make a valuable contribution to human security debates (Newman, 2016). For Newman (2016), the focus on humans is a part of a movement in criminology to critically question how security is defined and operationalized in society, and in whose interests. Criminologists thus explore the pervasive scope of security in contemporary society and how this conditions the nature of governance, the relationship between the state and individuals (political security), the provision of security by commercial actors rather than as a public good and the tension between individual liberty and public security.

Despite the fact that all approaches to human security agree that the referent of security policy and analysis should be the individual (Newman, 2016), they disagree about which threats the individual should be protected from, and what means should be employed to achieve this protection. In this thesis, questions were asked to identify different areas of human threats by focusing on the seven human security components

offered by the UNDP. These components helped the researcher to organize questions leading to identify areas in which participants are mostly affected by providing suggestions of what to be done to ensure the safety and security of participants.

The 1994 Human Development Report of the UNDP is considered a milestone publication in the field of human security (United Nations Development Program 1994). Lee and Kim (2011), reports that the UNDP not only defined the term but also urged that understanding of global security be expanded to include seven areas of security: economic, food, health, environmental, personal, community, and political security (AdisÖNmez, 2016). Similarly, the UNDP Report defines human security as people's "safety from chronic threats and protection from hurtful disorders in the patterns of daily life". These different aspects of security are outlined below.

### *Economic Security*

Economic security means that an individual should have a basic income, usually from productive and remunerative work or at least from a public safety net. This security is accorded by the rights to basic income, to social security, work, rest, to participate in trade unions (Universal Declaration of Human Rights (UDHR) Articles 22-4; International Covenant on Civil and Political Rights (ICCPR) Articles 12 (Song, 2015).

This concept allows us to understand the South African economy which is characterised by high rates of unemployment, widespread underemployment, and deepening inequality (Theodore et al., 2017). With roots in structural changes within key economic sectors, such as agriculture and mining, along with the inadequate absorption of jobseekers by the services and manufacturing sectors, weaknesses in South Africa's labour markets have catalysed a large-scale rural-to-urban migration among unemployed South Africans (Posel and Marx, 2013). These internal migrants have relocated in large numbers to Cape Town, Johannesburg, Tshwane (formerly known as Pretoria), and other cities where employment prospects are presumed to be plentiful. However, the cities are also burdened by unemployment rates, and population growth in South Africa's major urban centres has greatly outpaced job growth, worsening the unemployment problem. Encountering few avenues for stable work, many internal migrants have turned to informal employment, including day labour – casualized jobs loosely connected to the formal sector through unsecured, daily agreements with employers (Theodore et al., 2017). There they compete with the long-time residents of



urban areas as well as the growing ranks of foreign-born migrants who, like the internal migrants, have been drawn to South African cities by the promise of economic opportunities (Charman and Petersen, 2015). For instance, Ormsby (2017), reports irregularity at the work to be one of the most serious problems faced by day labourers.

According to Ormsby (2017), the series of employment questions in the survey reveals that, on average, day labourers were hired just 1.2 times per week. Unemployment rates in Tshwane day labour markets are therefore extraordinarily high, and in 2015 the daily unemployment rate was 79.5 per cent, which affects the economic security day labourers, mostly migrants (Ormsby, 2017).

By extension, it is generally assumed that unauthorised immigrants fare far worse than do native-born workers with regards to access to gainful employment and other economic outcomes, in part because the former face unique disadvantages associated with their immigration status as well as possible discrimination by employers in the destination country (Theodore et al., 2017). The adverse economic incorporation of unauthorized immigrants further results in their concentration in low-wage industries where violations of stable jobs are sharply circumscribed. In response to constrained opportunities in the mainstream economy, many unauthorized immigrants turn to informal employment, despite the hardships they may experience as a result of low wages and job instability that characterise this segment of the economy (Theodore et al., 2017).

Socioeconomic analyses of informality suggest that less-skilled immigrants, and unauthorized immigrants in particular, often resort to employment in casualized segments of the economy where labour standards are routinely violated because avenues into the “mainstream” economy are closed (Doussard, 2013). Additionally, Doussard (2013), argues that not only degraded work contributes to inequality but also that degraded work provides a *better* explanation for urban economic and social inequality than the traditional lament of manufacturing jobs runoff. Degraded work occurs most commonly in place-bound industries: restaurants, cleaning services, laundries, residential construction, retail, and child care (Doussard, 2013).

Although distinctly at odds with policy objectives, unauthorized immigrants may become the “workers of choice” in highly price-competitive industries because they

may be reluctant or unable to challenge labour-standards violations that boost company profits by driving down worker pay and conditions (Doussard, 2013; Crush, 2011).

Although government enforcement of immigration laws may penalize employers who knowingly hire undocumented immigrants, both workers and employers have a stake in avoiding apprehension by immigration authorities because workers justifiably fear deportation and with the loss of access to family, social networks and livelihoods (Theodore et al., 2017). As a result, informal employment and its workforces are often characterized as existing ‘in the shadows’ of the mainstream economy, even in cases, such as day labour, where employment relations are quite open and visible.

Unauthorized immigrants are often drawn into informal employment not only because the barriers to entry are low or non-existent but also because government enforcement of labour standards does not meaningfully extend into these employment arrangements. When enforcement efforts do target sites of informal; employment, they typically do so through policing measures aimed at curtailing informal activities.

Additionally, in South Africa, migrants and citizens living in the same areas compete in a labour market that is over-subscribed with low-skilled work seekers. This direct competition for employment and livelihood opportunities between immigrants and the native-born affects immigrants’ context of reception in at least two important ways. First, for immigrant day labourers who are active in South Africa’s informal hiring sites, the dynamics of these hiring sites determine the nature and adequacy of their incorporation into local labour markets. This, in turn, raises questions as to whether immigrants and unauthorized immigrants, in particular, face discrimination or other unique hardships in day labour markets or whether there is something about the character of informal employment that mitigates these hardships (Theodore et al., 2017). Hence, it can be argued that immigrants and non-migrants alike face substantially similar employment prospects and may have similar economic outcomes from day labour work. Therefore, initiatives to improve the employment outcomes of all-day labourers, irrespective of their nationality and immigration status, could be designed.

Second, there is evidence that perceptions of direct competition between South African citizens and foreigners for jobs and housing may have been a catalyst of the periodic outbreaks of xenophobic violence that have occurred in South African cities. However,

research by Crush and Ramachandran (2015a), found heightened levels of xenophobia among self-employed South Africans working in the informal economy. This suggests that if South Africans who are informally employed perceive that foreigners are “stealing” their jobs or driving down wages, immigrants could face dramatically increased risks to their lives and livelihoods from these tensions and the outbreaks of collective violence they seem to have engendered.

A study conducted by Cinini (2015), among a group of foreign nationals living in the city of Durban, demonstrated that the majority of participants in the study were involved in the informal sector (such as car guard, street vendors, hair cut saloon etc.) regardless of their level of qualifications. The findings demonstrate that a group of foreign nationals are discriminated against in terms of jobs, which negatively affect their income leading to economic insecurity among foreign nationals in the city. Hence, they end up in informal sectors in which they still face hardship and competition with the locals involved in the same types of businesses.

### ***Food Security***

This refers to the rights to an adequate standard of living, to freedom from hunger, to access to basic food (International Covenant on Economic, Social and Cultural Rights (ICESCR) Articles 11 (Song, 2015). Despite the Rome Declaration on World Food Security which affirms “the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger” (Declaration, 1996), there were approximately 805 million people identified as hungry by 2015, 11.3% of the world’s population, indicating how far this World Food Summit (WFS) goal is from being achieved (Deaton and Lipka, 2015).

Pane (2017), points out that the inability of the community to meet food needs ultimately finally affects the inability to meet nutritional needs. This causes a decrease in public health. The connections between migration and food security seem obvious. According to Crush (2013), food security is certainly affected by international migration. The relationship between migration and food security is particularly important within national boundaries. The overwhelming consensus on food security seems to be that food security is primarily a problem affecting the rural poor and that the solution is a massive increase in agricultural production by small farmers (Crush and Frayne, 2011).

South Africa however, has the highest proportion of urban dwellers of all Southern African Development Community (SADC) countries and appears closest to the model of a classic urban transition. Crush (2013), believes that progressively greater proportion of the population lives permanently in towns and cities, not least because the rural areas of the country do not offer households the prospect of a decent livelihood or many future prospects.

According to Crush and Ramachandran (2010), food security of migrants is highly reliant on their ability to earn income in the urban formal or informal economy, mostly in a region in which the majority of the food consumed by urban households is purchased. The access of migrant and non-migrant households to the labour market and to various income-generating activities suggest that they might have similar income levels and in turn, levels of food security (Crush and Ramachandran, 2010). Although levels of food insecurity are disturbingly high for both types of households, migrant households stand a greater chance of being food insecure. Another dimension of food insecurity is dietary diversity. Most poor migrant and non-migrant households do not have a particularly diverse diet (Crush and Ramachandran, 2010). This goes back to the area of study for this research project where 98% of the urban population relies on purchasing their food. At its core, the issue to be noticed is that migrants in urban areas are highly unemployed and have no formal wage. This affects their income and access to a good diet, with conceivable detrimental implications for their health.

### ***Health Security***

Health security can be understood as securing health at the individual, national and global levels, but may also be understood as the effect of health on security. The latter is a traditional approach that focuses mainly on national security and the protection of sovereignty, borders, people, and private interests and property (Saha and Alleyne, 2018). Lee and Kim (2011), point out that health security aims to guarantee at least minimum protection from diseases and unhealthy lifestyles. Song (2015: 400), interprets 'health security' to be "the rights to a decent standard of living, to health, to protection from infectious or chronic diseases and to access health services.

According to the UN Universal Declaration of Human Rights, "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care ...". The declaration asserts

that access to health care is a human right (Norredam et al., 2007). Analysing the accessibility of health care services by African foreign nationals provides insight into the security situation of African foreign nationals in their host communities.

Norredam et al. (2007), identify a number of factors which can affect people's access to health care. These factors are divided into predisposing factors, enabling factors and needs. Predisposing factors include social demographic factors such as the ethnic background. Enabling factors are a matter of the individual's ability to pay including insurance cover and needs are about how ill a person is and how likely to recover.

Factors related to migration, the circumstances before, during, and after the migration can give a disposition to illness. This as migration might have been preceded by torture, serious illness, or poor access to health services. Norredam et al. (2007), argue that the journey is dangerous especially if it took place under conditions of avoiding the authorities (illegal trafficking) or with poor access to healthcare. And in the country of destination, a series of formal or informal barriers to accessing the health services could contribute to the worsening of the health of migrants affecting the health security of migrants.

The findings of the study by Langlois et al. (2016) suggest that despite the health policy implementation at the facility level, refugees were still confronted with challenges of communication, acceptability and affordability of health care services. These challenges include language barriers, documentation, cultural and health-seeking behaviours of refugees, health care workers' attitudes and the issues of affordability where user fees are charged for health care services (Asgary and Segar, 2011). Given the stretched public health services, providing adequate access to health care services for all is a current challenge in South Africa (Hunter-Adams and Rother (2017a). Migrants, however, face particular challenges that are often exacerbated in relation to accessing services.

#### *Barriers to access*

Migrants' access to healthcare services in the destination country can be affected by a series of factors, which can be basically divided into formal and informal barriers (Norredam et al., 2007). Formal barriers include the way health services are organised, such as user charges. In countries where patients pay for treatment, this can impede migrants' access to optimal healthcare, because migrants will often have poorer socio-

economic conditions than the majority population. Formal barriers also include legal restrictions that affect migrants' access. For instance, according to the law in ten of the 25 EU-countries, asylum seekers only have access to acute treatment. Women and children, however, are exempted from this limitation in several countries (Norredam et al., 2005). Access for refused asylum seekers is limited to acute help in even more countries. Restricted access to healthcare is increasingly used as a means of applying political pressure to get people to leave the country of destination (Norredam et al., 2005).

Informal barriers to healthcare access can be divided into questions of language, psychology, and socio-cultural factors. Access will often be affected by a complex interaction between all these factors. Language barriers include not being able to communicate, perhaps because of lack of an interpreter. Psychological barriers are about a lack of trust and difficulties in social interaction. Socio-cultural barriers include differences between healthcare professionals and patients in relation to procedures, patterns of communication, roles, and levels of knowledge about illness and about the way the health services are organised (Norredam et al., 2007). In addition, Sondorp and Bornemisza (2004), point out that poor security and logistical problems often hinder the international community in establishing access to basic healthcare for migrants population.

To demonstrate some of the health challenges African foreign nationals face in South Africa, Zihindula et al. (2015), highlight how the South African national health systems often discriminate against refugees. A report from the Jesuit Refugee Services (JRS) in Johannesburg indicated that refugees find it challenging to access health care services in South Africa because the health facilities do not provide interpreters to assist the refugees who are not able to communicate in a local language. Similarly, a study conducted by Cinini (2015), demonstrates disaffection among participants who complained against poor treatment of foreigners in public hospitals. Studies that explored refugee access to health care services in South Africa revealed that refugees confront medical xenophobia when trying to access health care services (Cinini, 2015; Crush and Tawodzera, 2014). South Africans not only believe that migrants are responsible for bringing diseases to the country, they feel that they should be denied access to health care and removed if they are HIV positive (Crush and Tawodzera, 2014).

Additionally, Human Rights Watch asserted in 2009 that “South African healthcare professionals are endangering the health of the country’s large foreign population by routinely denying health care and treatment to thousands of asylum seekers, refugees, and migrants” (Shaeffer, 2009). The denial of health care and treatment to foreign nationals mostly from African countries becomes a serious threat to their health security due to the fact that the majority of the foreigners have no medical insurance and have difficulties accessing private hospital due to their lower income.

In effect, previous case studies confirm that migrants face myriad problems when they try to access government health services in South Africa (Moyo, 2010; Polzer, 2008; Shaeffer, 2009; Vearey and Nunez, 2010). While these studies draw attention to the magnitude of the problem, they generally do not distinguish between the poor treatment that is meted out to all patients in an overburdened and under-resourced public health system and poor treatment that is a direct consequence of the nationality and origins of the patient (Crush and Tawodzera, 2014). For instance, in a study focusing on the experience of medical xenophobia in the public health system by migrants who are living and working in South Africa, Crush and Tawodzera (2014), confirm that Zimbabwean migrants continue to be denied treatment on the grounds that they are not South African or cannot show the correct documentation. Even those with such documentation face verbal and physical abuse while undergoing treatment, especially from frontline health workers including nurses. In fact, the denial of or poor treatment of migrants can be seen as a serious health risk leading to worsening the health condition of the ill. To that end, chronic diseases can occur following by death in some cases or other complicated health conditions affecting the health security of the individual. The question remains to be asked about the coping mechanism used by those who are denied access to health care during their ill moment.

### *Environmental Security*

This is linked to the rights to an adequate standard of living, clothing, housing, a clean environment, especially water and air, and to be protected from manmade environmental disasters (ICESCR Articles 11) (Song, 2015). Nevertheless, Air, water and noise pollution are rampant. A bar or club which promotes cheap and rapid consumption of alcohol during happy hours can produce an environment and

intoxicated individuals that generate assaults and disorder (Farrell and Pease, 2006). Similarly, the manufacture of attractive insecure targets imposes a crime pollution cost on society that the manufacturer does not bear. High-value hot-products include mobile phones and portable MP3 players which make easy targets for theft and robbery.

### ***Personal Security***

This encompasses the right to life, liberty and security; not to be discriminated against on the basis of race, ethnicity, language, religion, sex, political opinion or social origin, birth, disability, gender, sexual orientation; to freedom from violence, torture, slavery, exploitation, arbitrary arrest, or summary execution; to recognition before the law, fair trial, privacy, family property, identity/nationality, freedom of thought and education (UDHR Articles 1-19, 26); International Covenant on Civil and Political Rights (ICCPR) Articles 2-3, 6-20, 23-4, 26; ICESCR Articles 2-3, 10, 13-4; (Song, 2015). For example, personal security can be rarely guaranteed for North Korean migrants living in China because no one can protect them from abuse or physical violence from other people. The study by Lee and Kim (2011), reports that women, in particular, are exposed to sexual abuse and prostitution.

### ***Community Security***

Community security as a subset of human security is defined as protection against the breakdown of communities, as a result of the loss of traditional relationships and values, and from sectarian and ethnic violence. The UDP's 1994 Human Development Report specifically looks at the security of ethnic minorities and indigenous groups. Threats to community security can come from several factors. These include discrimination, exclusion, violence from other groups, and threats from the state (Caballero-Anthony, 2015). In reference to UDHR Article 27; ICCPR Article 27; ICESCR Article 15 and the CERD, Song (2015: 400), describes community security as "the right to cultural life; to preserve cultural practices, values or heritage from sectarian violence or not to be discriminated against on the basis of race, ethnicity, nationality or religion".

By extension, community security is about the 'freedom from fear' and 'freedom from want' of particular groups. The most salient of these are ethnic minorities and indigenous group. By ensuring that these communities are free from fear and from want, their identity is secured. Communities may also refer to groups vulnerable to exclusion



and discrimination such as women and children. By identifying a range of threats to community security, the approaches to achieving community security would necessarily have to be multi-faceted underscoring the close linkages between human security and human development, peace and democracy (Caballero-Anthony, 2015).

An example of Community Security can be drawn from the study conducted by Lee and Kim (2011), arguing that North Korean migrants who are not recognized as legal immigrants in China cannot maintain their own identity, rather they try to behave and resemble the Chinese in order to conceal their identity. It is therefore impossible for North Koreans to come together to form their own group identity. It is also difficult to secure political security, as they do not have political rights or political protection.

*Community Security can be ensured through social cohesion, which refers to the 'tolerance of, and respect for diversity (in terms of religion, ethnicity, economic situation, political preferences, sexuality, gender and age) both institutionally and individually (Caballero-Anthony, 2015). Social cohesion has two dimensions: first, 'the reduction of disparities, inequalities and social exclusion' through engaging excluded groups'; and second, the strengthening of social capital (Caballero-Anthony, 2015).*

### ***Political Security***

This includes rights to freedom of assembly. Political participation; not to be discriminated against based on political opinion; to vote, to stand for election, to have free and fair elections, to freedom of speech, to form and maintain political organisations, or to organise social movements (UDHR Articles 2, 20-21; ICCPR Articles 21 -22, 25) (Song, 2015). Nevertheless, the Commission on Human Security suggested that the objective of human security was 'to protect the vital core of all human lives in ways that enhance human freedoms and human fulfilment. The human security network defines it as 'freedom from pervasive threats to people's rights, their safety or even their lives (Elliott, 2015). Human security approaches also have something to say about strategies for responding to environmental insecurities *qua* security in ways that will simultaneously enhance human security and reduce the potential for social violence and conflict. The expectation in more traditional models of security is that governments should work cooperatively to avoid the kinds of tensions that might result from intra- and inter-state competition for resources and access to environmental services and from cross-border challenges such as those associated with climate migration. In this more

traditional approach, however, governments are also encouraged to prepare themselves for demands on their defence forces to secure borders against refugees, to protect strategic assets and supply lines, as well as to assist in cases of environmental-related humanitarian crises or civil unrest (Elliott, 2015).

Nonetheless, countries that promote human security in their foreign policy agenda, like Canada, have maintained a distinctive focus on the ‘freedom from fear’ thrust of human security with its focus on people’s rights and safety. In doing so they have not ruled out the collective use of force and/or sanctions to guarantee human security (Caballero-Anthony, 2015). In contrast, many Asian countries prefer the ‘freedom from want’ approach to human security that recognize the development threats to human well-being and security, a point best captured by Japan (Caballero-Anthony, 2015). In Japan’s view, so long as its objectives are to ensure the survival and dignity of individuals as human beings, it is necessary to go beyond thinking of human security solely in terms of protecting human life in conflict situations.

To that end, Song (2015: 401), admits that “human security is a more appropriate conceptual framework to understand the causes and motivations of irregular migration and also a concept that captures the urgency of extra-legal and extra-political measures through international cooperation and the paramount importance of detrimental human costs”. Human security is also complex in that one set of mixed human insecurities become the cause of one irregular migrant’s motivation to leave and, because of the act of leaving and the irregular status of migrants, it creates another set of human insecurities (Song, 2015).

### **Strain Theory**

To examine factors threatening the safety and security of African foreign nationals, this study also uses Merton’s strain theory to identify the triggering factors (or root causes) to African foreign nationals’ security threats in Durban South Africa. Merton (1938) developed the first major strain theory of crime in the 1930s, this theory was developed in the midst of the Great Depression, so it is not surprising that it focused on that type of strain involving the inability to achieve monetary success. Strain theory of deviant behaviour holds that people are more likely to pursue illegitimate means to attaining culturally prescribed goals when they are blocked from accessing the institutionalized means to these goals (Merton, 1938). The rationale of this theory is its statement where

Merton observed that the social structure limits access to the goal of success through legitimate means (Lilly et al., 2010).

Merton (1968), proposed that different ways existed for people to resolve the strains generated from the inability to attain success. The theory believes that crime and deviance would be a consequence of a system that was to blame for unfairly holding back many of its citizens (Lilly et al., 2010). Merton noted that strain could be adapted to through innovation, ritualism, retreatism, or rebellion. He provided only rudimentary insights, on the conditions which a person would choose one adaptation rather than another.

In addition to Merton's Strain theory, Agnew (2015), has come up with general strain theory (GST) which states that people engage in crime because they experience certain strains or stressors. These strains involve the inability to achieve valued goals, such as monetary success and status; the experience of negative treatment, such verbal and physical abuse; and the loss of valued possessions. Strains lead to negative emotions, such as anger, frustration, and depression. These emotions create pressure for corrective action and crime is one possible response (Agnew, 2015).

According to Agnew (1992), *strain* refers to events and conditions that are disliked by individuals. These events and conditions may involve the inability to achieve one's goals. Agnew assumed that, in general, the higher the dose of strain that a person experiences, the greater the likelihood of the person being engaged in crime or in some form of deviance (Lilly et al., 2010). Strain theories state that certain strains or stressors increase the likelihood of crime. These strains involve the inability to achieve one's goals.

A list of the strains most likely to result in crime applies to the current situation in the metropolitan Durban being identified as some of the triggering factors pushing locals to attack African foreign nationals, strains such as: *Work in "bad" jobs*. Little opportunity for advancement, coercive control, unemployment, especially when it is chronic and blamed on others. Discrimination, based on race/ethnicity, gender, or religion. Homelessness is another serious issue. Failure to achieve certain goals, including thrills/excitement, high levels of autonomy, masculine status, and monetary goals.

Strains are said to increase the likelihood of crime for several reasons, most notably, they lead to negative emotions such as anger, frustration, depression, and fear. These emotions create pressure for corrective action; that is, strained individuals feel bad and want to do something about it. Crime is one possible response (Miller, 2009). Crime may be a means for reducing or escaping from strains, seeking revenge against the source of strain or related targets, or alleviating negative emotions. Agnew (2015), is of the view that individuals are most likely to cope with strains through crime when they lack the resources to engage in legal coping, their costs of crime are low, and they are disposed to criminal coping. However, most studies have focused on the emotion of anger, and they tend to find that strains increase anger, and that anger explains part of the effect of strains on crime – especially violent crime (Agnew, 2007). Hence, the violent attacks on African foreign nationals by local citizens as to express their anger, frustration, fear and depression caused by the poor service delivery by the government within the communities that are mostly composed by the poor black majority.

In addition, criminogenic strains increase the likelihood of crime for several reasons (Agnes 2006, 2012). Most notably, they lead to a range of negative emotions, such as anger, frustration, and depression. These emotions create pressure for corrective action. Individuals feel bad and want to do something about it (Agnew, 2015). As indicated, crime is one method of coping. Anger is said to be especially conducive to crime, particularly other-directed crime. Anger energizes the individual for action, creates a desire for revenge, reduces concern for the consequences of one's behaviour, and impedes efforts at legal coping – such as negotiation (Agnew, 2015). But other negative emotions may also result in a crime. There has been some suggestion that different types of strain result in different emotions, and different emotions result in different types of crimes. For example, anger is said to be conducive to violence and depression to drug use (Agnew, 2015). Again, strains increase the likelihood that individuals will form or join criminal groups, including delinquent peer groups and gangs. There are several reasons for this, including the fact that criminal groups are often viewed as a solution to strains (Agnew, 2015). Criminogenic strains involve negative and unjust treatment by others, and those who cannot cope in a legal manner may come to believe that crime is an acceptable, justifiable, or excusable response to their situation (Agnew, 2015).

Nevertheless, drawing on the four criteria that distinguish criminogenic strains, GST states that the following strains are especially conducive to crime: Parental rejection; Chronic unemployment blamed on others; Work in the secondary labour market (jobs that are unpleasant and poorly paid, have little prestige, provide few benefits, have limited opportunities for advancement, provide little autonomy, employ coercive methods of control; Residence in very poor communities plagued by problems such as crime and incivilities; Economic problems (e.g., inability to pay bills, selling possessions to raise money); The inability to achieve certain goals. These strains are likely to be seen as high in magnitude and unjust, they are associated with low social control, and they are conducive to criminal coping.

By extension, research conducted primarily in the USA and certain other Western countries indicates that these strains increase the likelihood of crime, with strains such as parental rejection and victimization being among the most important causes of crime (Agnew, 2006). The above elements of strain theory explain clearly the life conditions of some local citizens who resort to violence against African foreign nationals when they want to attract the government to acknowledge their suffering exacerbated by a huge level of unemployment in the country at large. As a consequence, African foreign nationals are mostly blamed and attacked because they seem to be easy targets.

For one thing, the explanations of xenophobia have been linked to the economic conditions of South African communities and labour market competition (Gordon, 2015a). This suggests a simple linear relationship between anti-immigrant prejudice and economic status (Strain Theory). In effect, Crush and Chikanda (2012), reveal that in the international migrant receiving countries in the Global South, public debate on immigration is characterised by concerns that immigrants cause crime, take jobs from locals and are a burden on already pressured social welfare nets.

## **Conclusion**

This chapter has presented two theories that underpin this study namely the human security theory and strain theory. The former provides a wider understanding of the concept of security while the latter explains what makes people engage in deviant behaviour. These theories are useful as they allow us to understand both what security is, and what prompts one to behave in a way that threatens the security and safety of an

individual. The next chapter reviews the experiences of foreign nationals in host countries with a specific focus on various threats to their safety and security.

## **CHAPTER THREE**

### **CAUSES OF MIGRATION AND THREATS ON SAFETY AND SECURITY OF FOREIGN NATIONALS IN HOST SOCIETIES**

#### **Introduction**

This thesis is a criminological analysis on the safety and security of African foreign nationals living in Durban South Africa. In this chapter, previous studies on the safety and security of foreign nationals are reviewed. The chapter has a particular focus on human security globally and in South Africa in particular. Multiple information sources were used to gather information for this selected review of literature, including books, dissertations, internet resources, professional journals and periodicals. These sources were accessed through Google Scholar, EBSCOhost Web, JSTOR, ProQuest, Sabinet Reference, and Science Direct. Also, the Centre for the Study of Violence and Reconciliation (CSVSR) website was visited by the researcher as well as the South African Migrant Project (SAMP) website to gather information on previously publicized studies, conducted in the same area of study. The aim is to gain a clear understanding of the extent to which African foreign nationals experience threats on their safety and security in Durban; describe the nature of the threats and to develop measures to ensure their safety and security.

The chapter begins by exploring the causes of migration, by answering the question, first why people migrate. It also examines the experiences of immigrants from both the global and South African perspective. The chapter then horns on Xenophobia in South Africa and its consequences looking at migrant workers and their victimisation. Here the notion of institutional Xenophobia and victimisation is also examined focusing also on how official responses are represented in the media.

#### **Causes of Migration**

Decisions made by individuals to uproot, leave their homes and homelands and migrate elsewhere, are based on a number of factors rather than one simple reason. These factors can be gleaned from the definition of migration. At its simplest, migration can be understood as the movement of people from one place to another, either across an international border or within a State. An interesting definition for our purposes here is

offered by (Wohlfeld, 2014), who defines migration as a population movement, encompassing any kind of movement of people whatever its length, composition and causes; it includes migration of refugees, displaced persons, economic migrants, and persons moving for other purposes, including family reunification. While the majority of migrants migrate in search of work and economic and social opportunities, a relatively small percentage of migrants are people fleeing armed conflict, natural disaster, famine or persecution (Wohlfeld, 2014). Chronic poverty and related food insecurity are also partially responsible for the upsurge in post-1990 migration from countries such as Lesotho, Mozambique, Malawi and Swaziland (Crush and Ramachandran (2010). Together, the causes of migration could be push or pull factors perceived from an economic, political, social or environmental perspective.

### ***A Neo-classical Approach or Economic Factors***

According to the traditional neoclassical approach, people move to another country because of the differences between real income at home and abroad. They expect that, by migrating abroad, they will earn a higher return on their labour than at home (Straubhaar, 1986). According to Straubhaar (1986), for contemporary international migration to occur it is necessary and sufficient that, first, there is a demand for foreign labour in the immigration country, and, second, that there are no immigration restrictions to prevent the immigration of active foreigners. However, a study exploring the causes of forced migration has found that the formation of forced migration can emanate from refugees on numerous political, economic, and intervening variables (Schmeidl, 1997).

However, individual behaviour is emphasized by “the neo-classical economic approaches often known as ‘push-pull’ theories, focusing on the positive aspects of migration” (De Haan and de Haan, 2000). Neoclassical economic approaches accept that migrants act individually according to the rationality of relative costs and benefits. Expected probability of employment at the destination, wage differences are triggering factors for individual to make a decision to migrate (Asfaw et al., 2010). De Haan and de Haan (2000), demonstrate that ‘Structuralist/Marxist theories’ which link to migration, focus on political and other institutions determining migration and also emphasize the undesirable aspects of immigrant.



Nonetheless, migration was generally seen as a way of assembling cheap labour for capital. This theory sees labour migration as unavoidable in the transition to capitalism and stresses the benefits of migrant labour for capital production (Castles et al., 2013). For Marxists, migration is not a choice for poor people, but the only option for survival after being alienated from the land (Asfaw et al., 2010).

However, it can be argued that the decision for people to move to a new area is mostly influenced by the presence of close kinsmen to that area, who help them find jobs and ease their entry to the destinations (De Haan and de Haan, 2000). The flow of information and social capital, such as informal networks, personal relationships, friendship and communities, and mutual help in economic and social matters have been noted by the migration system theory as components providing vital resources for individuals starting migratory movements (Castles et al., 2013)

Therefore, different reasons for the push and pull factors of migration have been ascribed by Ethiopian researchers. Elements such as environmental degradation, inadequate social services, lower agricultural productivity, and land shortage have been identified as the major push factors of migration (Sisaye, 1978). Whereas the most important pull factors for migration which are also seen as key influences on the pattern of migration are the presence of relatives and people of alike ethnic origin at the destination, as well as the flow of information between origin and destination (Bjerén, 1985; Doilicho, 1995; Nida, 2006). The findings of a case study on migration and livelihoods conducted by De Haan and de Haan (2000) demonstrate that in Ethiopia, the poor have migrated more than the relative better off with lack of land being identified as an important factor of their migration. The findings have also indicated that social networks are mostly an important factor of migration.

### ***Political Instability and Violence***

There are many factors that cause political instability. Conflicts over controlling land are perhaps the most common (Deaton and Lipka, 2015). Indeed, Holden et al. (2010), argue that conflict over controlling territory is the largest category of causes of inter-state and intra-state conflicts globally. In fact, in Afghanistan, Somalia, South Sudan, the Central African Republic, Mali, Nigeria and Eritrea, protracted conflicts and crises threaten the lives of millions of civilians, forcing many to leave their home country in search of safety and security in Europe and elsewhere (Metcalf-Hough, 2015).

Simply put, many authors (Ferris, 1987; Smyser, 1987; Zolberg et al., 1989) agree with the conclusions of the 1951 Refugee Convention that oppressive governments with poor records in human rights violations cause refugee migration. Gibney et al. (1996), found that the increasing number of refugees was associated with a general increase in violence and human rights violations in the world. Hakovirta (1986), also reported a modest-to-strong correlation between government repression and refugee exodus. Similarly, Stanley (1987), linked the level of violence in El Salvador to an increasing level of in-migration to the United States. In addition to political violence, Ethnic and civil conflicts also influence refugee exodus (Hakovirta, 1986; Smyser, 1987; Zolberg et al., 1989). These conflicts can be promoted by a power struggle between the government and an insurgent group or between two equally large groups contending for power in a weak and unstable political environment. Civil conflict often emerges when there are high levels of inequality and political exclusion.

Jones (1989), in his journal, “Causes of Salvadoran migration to the United States” demonstrates that the net emigration rate from El Salvador accelerated rapidly between 1979, when extensive civil unrest began, and 1981, after two years of widespread political killings. According to Jones (1989), by 1981 the rate had reached forty-six persons per 1,000 populations, more than eleven times its level of six years earlier. In the United State of America, the number of apprehensions by the U.S. Immigration and Naturalization Service (INS) of undocumented Salvadorans entering the United States has varied largely in tandem with levels of political violence. These proximate causes remain the focus of intense debate in the United States. Some organisations maintain that migration stems from direct fear of political violence and persecution. These are, the U.S. Committee for refugees, the sanctuary movement, various church groups, and the American Civil Liberties Union as well as a large component of the academic community (Jones, 1989).

Countless authors have demonstrated that population pressure, low living standards, lack of economic opportunities, and political discomfort are the push factors for migration. Whereas, availability of job opportunities, health services and other modern facilities in towns and political freedom are expected to be the pull factors of migration (Castles et al., 2013). For instance, in the 1970s and the 1980s, economic conditions and political upheavals in the Philippines encouraged Filipinos to migrate in response to overseas employment boom (Suplico-Jeong, 2010).

### *Armed Conflicts*

Despite the end of the Cold War, conflicts are still very frequent and most of them occur in developing countries. However, the nature of conflicts has changed, and the proportion of civilian fatalities has increased markedly. The causes and consequences of conflicts are often a complex mix of inter-linked economic, environmental, political, cultural and religious factors. The human, social and economic costs of armed conflict are massive. Thousands of men, women and children die each year as a direct and indirect consequence of war (Teodosijevic, 2003). By extension, armed conflicts in various parts of the world, including Afghanistan, the Central African Republic, the Democratic Republic of the Congo, Somalia, South Sudan and Syria, continue to cause immeasurable hardship for entire populations, prompting increasing numbers of people to flee within countries or across international borders (Gieseken, 2017). By the end of 2015, the number of refugees, asylum-seekers and internally displaced persons forcibly displaced worldwide due to armed conflicts, other situations of violence, persecution or human rights violations reached an unprecedented 65.3 million (Refugees, 2016).

Gieseken (2017), reports that in 2015, the number of migrants – a term covering a broad set of persons, including refugees as a specific legal category under international refugee law – reached 244 million worldwide. Among the migrants who have left their countries of origin or of habitual residence (whether forcibly or voluntarily), many can subsequently find themselves in a third country experiencing armed conflict. In these situations, migrants, like the rest of the civilian population, endure great difficulties. They may be affected by the hostilities, lose contact with their families, go missing or die, often with no record of their fate or whereabouts. As foreigners, they tend to have additional vulnerabilities, encountering problems in accessing basic services or being subjected to restrictions of personal liberty. They may also be at risk of being sent back to their countries of origin or to other countries, potentially in violation of international law (Gieseken, 2017).

### *Natural Disasters*

The phenomenon of environmental migration is an age-old and unquestionable reality. Extreme events and major environmental disasters have existed throughout history, forcing individuals and groups to move. However, the increasingly frequent changes in the global environment, caused or accelerated by human action, are already at levels considered intolerable and irreversible (Ramos, 2013). By extension, Ramos (2013), points out that environmental degradation, whether caused by natural phenomena or exacerbated by human action, is a known factor contributing to increased forced migration within the territory of the state or beyond its borders. Nevertheless, it is estimated that by 2050 there will be 200 million people who have had to leave their homes owing to degradation processes and environmental disasters, especially as a result of climate change (Ramos, 2013).

In fact, events such as volcanic eruptions, droughts, earthquakes and other types of disaster generated by an unstable natural environment can be referred to as “natural disasters”. However, natural disasters have been a major cause of immigration throughout history. In 1998, natural disasters accounted for the displacement of more persons worldwide than wars of other conflicts for the first time since records have been kept (Keane, 2004b)

Keane (2004b), reported the estimation that, 144 million people per year are affected by natural disasters. He argues that natural disasters tend to displace persons temporarily rather than permanently. Nevertheless, Natural disasters cause significant loss of life and property damage in the United States (Boustan et al., 2012). In 2005, Hurricane Katrina destroyed large sections of New Orleans, resulting in the death of thousands. This salient disaster highlights that millions of people have chosen to locate in geographical areas that are at risk of natural disasters. In fact, the attraction of coastal living has encouraged more and more people to move to areas at risk from hurricanes and flooding (Rappaport and Sachs, 2003). Hurricane Katrina displaced approximately 650,000 people and destroyed or severely damaged 217,000 homes along the Gulf Coast (Paxson and Rouse, 2008). The damage was especially severe in New Orleans, and the return of displaced residents to this city has been slow. It can, therefore, be argued that natural disasters are triggering factors causing a huge number of people to move from their societies to different geographic areas in a search for safety and

security. The consequences are numerous from when the incidents occurred throughout their migratory journey, until to the destination area. It is in this situation that this research thought to understand the experience of those migrants who find themselves in a foreign community, by trying to assess the situation of their safety and security on foreign land.

### ***Industrial Accidents***

Industrial Accidents have many examples whereby large numbers of persons have been displaced. For instance, in 1984, in Bhopal, India, a chemical accident killed over 1, 000 people and displaced 200, 000 people. In the United States, 10,000 people were displaced due to a nuclear accident that took place at Three Mile Island. In Seveso, Italy, a burst at a chemical factory caused chemical products similar to the defoliants used in Vietnam to be released into the atmosphere (Keane, 2004a). In general, a significant point in relation to industrial accidents is that those displaced will look for refuge within borders of the country in which the accident occurred.

The list of the causing factors of migration is endless, but from the above-mentioned factors, it can be concluded that it is impossible to have a country free from foreign nationals because of the complexity of the push and pull factors. The literature review demonstrates how non-nationals are treated by the host community on foreign land, regardless of the social status, the documentation and qualifications that the person holds in that particular country.

### **Experiences of Immigrants: A Global Perspective**

Migrants throughout the world have experienced hostility, resentment, and animosity from inhabitants of host countries and this hatred has been expressed in different ways (Zikhali and Smit, 2018). Starting from the year 2000, Guerette (2007), reports that more than 300 migrant deaths are recorded along the border each year and it is believed many more perish but remain unfound. Citing these deaths, many criticized U.S. legislation and heightened border security calling for the reversal of immigration policy in the name of saving migrant lives. Furthermore, since the beginning of 2014, approximately 800, 000 people have arrived at European Union (EU) borders through irregular channels, fleeing conflict and violence at home or in search of a better life abroad (Metcalf-Hough, 2015). This migration surge is rapidly becoming the largest and most challenging that Europe has faced since the Second World war. Although it

is not unique in either its causes or its drivers, it has become a highly sensitive political issue, generating intense political and public debate and exacerbating pre-existing weaknesses in immigration systems across Europe.

By extension, the profile of those arriving is also changing. Traditionally, the majority of migrants seeking entry to Europe through irregular channels were individual males. Today, however, whole families are making the journey together, in some cases with elderly or disabled relatives and often with very young children. The routes they take are highly dynamic, often shifting quickly in response to new restrictions at borders or security concerns in transit countries. People are also taking greater risks (Metcalf-Hough, 2015).

According to the International Organisation for Migration (IOM), over 3, 100 people have died whilst on their way to Europe so far in 2015, the vast majority on the perilous sea journey across the Mediterranean from North Africa or Turkey (Metcalf-Hough, 2015). As a result, the matter of the fate of missing migrants is a particularly harrowing one. Thousands of people have gone missing at sea and along migration routes in recent years. Thousands of bodies have been buried without any attempt to identify them, and thousands of children have been separated from their parents. The unbearable uncertainty suffered by families who do not know what has happened to their loved ones is one of the most tragic and least visible consequences of mass population movements (Bernard, 2017). The situation of migrant children, particularly those travelling alone, is particularly concerning. There are reports of unaccompanied children disappearing after their arrival in Europe, raising fears that they have fallen prey to human traffickers (Squires, 2015). Whilst refugees are often considered particularly vulnerable, this current surge illustrates that, whatever the drivers of migration or an individual's status, the risks facing all migrants using irregular routes are considerable, including physical danger, exploitation and abuse, human trafficking, sexual violence, theft and extortion (Metcalf-Hough, 2015).

By contrast, EU states tended to view any large-scale international migration as a threat to the sovereignty of their national and regional borders, their economies and their societies. Most member states have reacted accordingly, tightening controls on irregular access to their territories and, in some cases, on legal channels (Hagen-Zanker and Mallett, 2015). Unfortunately, according to Metcalf-Hough (2015), these increased

restrictions have not been effective in staving off the influx of refugees and other migrants; instead, they have resulted in increased clandestine efforts to reach Europe, in turn exposing vulnerable migrants to even greater physical and other risks. The journey is perilous, reported Vogt (2015), stating that due to the state and transnational security regimes tighten, migrants are funnelled into more dangerous routes where they become implicated in economies of smuggling, kidnapping and organised crime. According to Vogt (2015), migrants must navigate complex physical violence with little recourse to human rights protections.

For instance, in Athens the signs of international migration are visible. Migrant bodies along with homelessness and drug use are evident on the streets. Gang violence towards migrants and police brutality towards migrants, particularly black Africans, have been well documented by the Greek and the international media (Innes, 2016). While these reports provide important information about conditions migrants face in Greece, in many accounts the migrant as an individual is absent. Migrants are instead represented as an anonymous part of the hordes or masses ‘invading’ the Greek capital or are positioned as abject victims who are helpless in the face of the European security complex (Innes, 2016).

In the case of Syrian refugees, host governments in the Middle East are overwhelmed by the volume of arrivals and some are becoming increasingly hostile, tightening borders, increasing visa or residency restrictions and in some cases effectively denying legal access to work (Metcalf-Hough, 2015). The security situation in some host countries is also deteriorating, as demonstrated by recent bomb attacks in Turkey and the prevailing insecurity in Lebanon. The failure of the international community to address conflicts, violence and human rights violations in countries of origin has been another key factor in the surge in irregular migration to Europe. At the same time, Metcalfe-Hough (2015), highlights that efforts to address the chronic poverty, inequality, weak governance, climate and environmental changes that constitute ‘push’ factors in many developing countries have also been inadequate.

Consequently, migrants find themselves in hard conditions leading them to be victims of different forms of crimes within the host countries mostly due to the socio-economic but also political conditions met in the host country. By extension, there is a widespread consensus that the causes of crime are rooted deep in social and economic inequalities,

indicating that the solutions to crime problems must in some way, address these inequalities. It can be suggested that departments such as Social Development, Education, and even Health and Housing should be able to contribute to changing the social conditions that generate crime. Crime prevention can be seen as a long-term project that needs enormous resources to be allocated to dealing with the problem of crime in society for the well-being of its populace (Leggett, 2004).

Put another way, Calavita and Kitty (2005), has reported that most non-EU immigrants work in low-wage sectors of the economy such as domestic service, tourism, construction, and agriculture, but they are increasingly found in manufacturing too, especially in the small and medium-sized factories of the northeast, this working condition with a low income, affect not only economic but also health and food security of these foreign nationals. This has led humanitarian agents to appeal to the national and international communities to intervene in terms of policy formulation to accommodate these humans with regard to human rights and also by considering their human dignity. In this situation, Norredam et al. (2007), is of the view that political will is essential at both a global and a local level if migrant's health and access to health care are to be assured.

A study conducted by Tschirhart et al. (2016), in Thailand-Myanmar, has found that both migrants and refugees experience barriers hindering them from getting access to TB treatment, affecting their well-being. The study reports that even though the Thailand government and some local and international organizations offer free TB treatment to migrants and refugees with legal status, but still, there has been a problem of finance in terms of transport whereby the patient cannot afford to travel to the health centre for treatment, but also family work has been another hindering factor causing the patient not to have time to travel for treatment. Again, a study conducted by Lee and Kim (2011), on North Korean migrants has demonstrated that human security situation in North Korea is generally poor, with food security being a primary issue, resulting in a large number of migrants from the country.

Furthermore, Tian (2018), concurs that in today's China, migrant workers are commonly perceived as criminals. This can be clearly seen in various mechanisms of the crime control regime, with the migrant population being stopped and searched more frequently than local populations, and experiencing a disproportionately high rate of



police arrests and pre-trial incarceration. Tian (2018), has reported that migrants are also more likely to receive longer sentences, to be denied parole and probation, and to receive discriminatory treatment in the correctional system. During her fieldwork, Tian has reported recording the prosecutors who explicitly acknowledged to have been following the principle of ‘arresting’ in their daily work when it came to migrant suspects (Tian, 2018). Tian testified that according to internal documents of the local prosecutor in Ningbo in 2010, the arrest rate for the migrant population was 368 arrests per 100, 000 people – 7.36 times higher of the rate for local residents, in light of this, the police find it easier to target migrants, as their arrest is more likely to be officially sanctioned. This dynamic of mutual reinforcement not only engenders discrimination against migrants but also leads to a disproportionate arrest rate within this social group – in fact, this can be seen as a form of mass arrest. Migrants are discursively associated with crime, and thus with instability and danger. Given the risk that migrants could ‘run away’, positive arrest decisions targeting this kind of suspect are justified as essential to ensure the defendant’s return for subsequent proceedings. However, this apparent necessity is, in actuality, based on an illogical assumption formalized through the law (Tian, 2018).

### ***Global Attitudes toward Migrants***

Immigration ranks among the most salient issues shaping politics in Western democracies today, engendering substantial negative attitudes towards those perceived as outsiders (Hellwig and Sinno, 2017). Researchers have asked whether opposition to immigrants is due primarily to perceived economic threat, cultural threat, or to some combination of the two. Economic arguments test predictions of models of labour market competition and immigrant’s use of public services (Hainmueller and Hiscox, 2010; Mayda, 2006). In fact, Dempster and Hargrave (2017), suggest that question of what drives public attitudes towards refugees and migrants can be highlighted in several key drivers, citing economic, cultural and security issues to be the most important real-world concern. Much like Hellwig and Sinno (2017), who have revealed studies emphasising cultural elements focusing on threats to national identity, religion, values and beliefs, ethnic differences or according to Ford (2011), conservative social attitudes. Other studies highlight the effect of security fears (Lahav and Courtemanche, 2012; Wike and Grim, 2010), and concern about crime (Fitzgerald et al., 2012). These accounts speak to the complex and multifaceted nature of sentiments towards

immigrants. Pettigrew et al. (2007) argue that native's anxieties about new groups' presence in society may be shaped by real threats, affecting their well-being, or only perceived threats.

Regardless, prominently featured are threats due to economic competition, cultural identity, security concerns, and crime. With respect to economic factors, theories of labour market competition predict that individuals will oppose immigration of workers with skills similar to their own but support immigration of workers with different skill levels.

Studies that emphasise cultural bases of sentiment build up the part on the symbolic politics literature and social identity theory (Tajfel, 2010). Such analysis emphasises feelings of threat to national identity, religious values, cultural values and religious beliefs, ethnic differences and conservative social attitudes reported (Hellwig and Sinno, 2017).

With respect to security concerns, it has shown that terrorist perceptions associated with immigrant groups produce psychological distress that increases feelings of threat from minorities and, consequently, predicts exclusionist attitudes towards them (Lahav and Courtemanche, 2012). Put another way, Dempster and Hargrave (2017), report that concerns about security have emerged as another key factor deriving attitudes towards refugees and migrants. A 2016 poll by Brookings showed that 14% of Americans who opposed accepting refugees were concerned about perceived links to terrorism (Telhami, 2016). In a study conducted in the US, even those who supported accepting refugees mentioned concerns about the security implications of doing so (Dempster and Hargrave, 2017). Similarly, Pew's 2016 survey of ten European countries showed that, in eight of the ten, over half of respondents were worried about the security implications of accepting refugees (Wike et al., 2016).

Moreover, politicians, public and media outlets often articulate their views on immigration in terms of particular migrant groups' ethnic, geographic, or religious identity. Negative discourses are often directed against particular immigrant groups and there is evidence to suggest that attitudes towards different types of immigrants vary. For example, immigrants from different Muslim countries, whether from the Middle East or from South Asia, have been increasingly portrayed as 'Muslim' and associated with terrorist threats (Morey and Yaqin, 2011) after 9/11. Hellwig and Sinno (2017),

concur that Muslim immigration triggers concerns about security and cultural change, people who have become more threatened by terrorism will be more likely to oppose Muslim immigration. By analogy, Banks (2011), reports that news-papers most notably the tabloid press, routinely propagate an alarmist discourse that draws associations between immigrants and a number of social ills, including crime, disease and terrorism, according to Banks (2011), it has not only been far right political parties, such as the United Kingdom Independence Party and the National Front, that have legitimated people's fear of foreigners; both conservative and Labour Parties have complied to a discourse that bundles together asylum seekers, economic migrants, illegal immigrants, and foreign nationals more generally, depicting them as dangerous deviant (Banks, 2011). As such, the habitual portrayal of the immigrant as a criminal has fused the otherness of the stranger within the otherness of the deviant, evoking a 'new' moral panic over outsiders (Banks, 2011).

Conversely, Ceobanu and Escandell (2010), point out that studies which model sentiment towards immigrants on the basis of economic considerations are motivated primarily by theories of self-interest, competition over resources, and the influence of educational and professional trajectories. Further evidence suggests that economic crises increase the importance of economic considerations on sentiment towards immigrants (Dancygier and Donnelly, 2012). While much of the literature speaks to the relative importance of economics and cultural accounts, the post – 9/11 environment brought an additional set of concerns. Security and terrorism concerns have increasingly been associated with immigrant groups in many Western societies (Morey and Yaqin 2011). Lahav and Courtemanche (2012), admit that the notorious role of foreigners in the 9/11 terrorist attacks, however notably provoked physical fears, and tied immigration to issues of security.

Expecting crime considerations to matter for attitudes towards different types of immigrants, Hellwig and Sinno (2017), report that the British public has associated crime, even specific criminal activities, with particular immigrant groups. Russians, Jews and Latvians were associated with robbery and firearms at the end of the nineteenth century; the Chinese with the opium trade in the 1920s and heroin in the 1960s; the Italians with protection rackets, robbery, and gaming in the 1930s; the Maltese with vice in the 1940s; the Pakistanis and Turks with heroin in the 1970s and 1980s; and the Colombians with cocaine in the 1990s.

The existing literature in political behaviour and social psychology has provided compelling evidence to suggest that elite attitudes and public opinion toward immigration are largely influenced by perceptions of threat. In addition to physical insecurity, threats to the national community and identity have been shown to accompany general immigrant intolerance and rejection. Threat promotes ethnocentrism, in-group solidarity and xenophobia (Lahav and Courtemanche, 2012). Heightened risk appraisal and insecurity lead to increased criticism, support for politics that restrict the rights of out-groups, intolerance and increasing willingness to compromise personal freedoms, basic civil liberties and democratic values. More importantly, Lahav and Courtemanche (2012), report that people's assessments of immigration are tied to different components of economic, social and physical insecurities. For instance, Alexseev (2011), is of the view that anti-immigrant respondents would be those whose socio-economic circumstances make them more vulnerable to competition with migrants.

Burns and Gimpel (2000), remark that Within the American literature, immigration has been largely conceptualized as an issue of either economic or cultural threat. Burns and Gimpel (2000), reports that in America, low-skilled and uneducated whites have been found to express the most virulent racism because of the glut of unskilled immigrant and black workers alleged to be ready to take their jobs. Hainmueller and Hiscox (2010), concede that opposition to immigration is primarily driven by noneconomic concerns associated with cultural and ethnic tensions. That said, Hainmueller and Hiscox (2010), report a very different set of studies arguing that material economic concerns lie at the heart of anti-immigrant sentiment and that individual attitudes toward immigration are profoundly shaped by fears about labour market competition and/or the fiscal burden on public services. Borjas (1999), identified these two critical economic issues that have dominated the debate over immigration policy in the United States. Simon (1989), has identified them as the two key concerns motivating anti-immigrant sentiment in Britain.

Although immigration may impact the native economy in many ways, recent research has emphasised two critical economic concerns that could generate anti-immigrant sentiment among native citizens: concerns about labour market competition and fears about the fiscal burden on public services. General equilibrium models of the native economy generate a variety of predictions about how natives with particular skill and

income characteristics should be affected by inflows of immigrants (Hainmueller and Hiscox, 2010).

The second critical economic concern associated with immigration involves the immigrants' use of public services (including public education and health services and various types of welfare assistance, as well as basic services such as police and fire protection, roads, parks and amenities) and their contribution to tax revenues (Hainmueller and Hiscox, 2010). Simply put, Bircan's study of the Flanders region in Belgium finds that people's fear of migrant crime is based not on the experience of crime per se but on attitudes toward migrants.

The connection made between immigration and criminality through discourses of fear reaches its apex with the criminalization of the illegal immigrant – in Italy and Arizona for instance because it is precisely a case where the immigrant is no longer regarded as more likely than a national citizen to commit a crime, but he becomes a crime himself (Garner, 2015). In the European context, migration scholars have found increased anti-immigrant sentiment where native populations felt threatened politically (Ceobanu and Escandell, 2010). Wacquant (1999), ties this anti-immigrant sentiment and anxiety about economic relations to increased penal severity across the European Union. By extension, Fitzgerald et al. (2012), report the findings of a study on issues between migration and crime among Western European participants in 2002, stating that more than 73% of the native-born Western Europeans claim that immigration makes crime problems worse, in the same study, more than 77% of respondents claim that immigrants contribute to crime in Germany. Western Europeans judge less harshly immigrants' impact on the national economy and culture; the corresponding statistic for the economic effects of immigration is 36%, and for the cultural influence, it is 18%.

In the “enemy penology” approach, Fekete and Webber (2010), seek to explain the harsher treatment of foreign nationals in European criminal justice systems as a result of the rise of far-right politics and their xenophobic campaigns. In addition, Fekete and Webber (2010), illustrate not only how foreigners in Europe have been subject to harsher penalties than natives within varying criminal justice systems, but how migration status itself has become subject to criminal law and criminal penalties.

However, Franko Aas (2007), argues that the criminalization of migration can be understood as a reassertion of cultural essentialism, a contemporary form of racism.

European societies are deeply engaged in the process of identifying, segregation, and punishing the “stranger” in Simmel’s terms, marking and stigmatizing outsiders from those who truly belong and reasserting some idealized or essentialized notion of national belonging. Nonetheless, in his work on anti-immigrant attitudes in Sweden, Hjerm (2009), found the opposite pattern predicted by the racial threat perspective. He found that municipalities with higher percentages of foreigners, from Africa, Asia, and South America, had lower anti-immigrant sentiments. This is an important finding because it suggests increased knowledge about and familiarity with social groups perceived to be “other” may decrease insecurities, anxieties, and prejudices about social differences. Hence, increased social interaction across diverse social groups can lessen negative attitudes rather than enhance them.

### ***Migrants and Economic Security***

The economic dimensions of mobility, in terms of access to jobs and sustainable livelihoods, are central to the integration process of migrants and displaced populations. Yet both groups are often faced with structural, legal and other barriers. These include laws that restrict access to certain professions and restrictive sponsorship schemes that do not adhere to basic labour and human rights standards that limit the duration of employment or do not recognise certain qualifications (Mansour-Ille, 2018).

Since 2011, more than 1 million have applied for asylum in Europe. With the exception of Ireland and Lithuania, every other member of the European Economic Area (EEA) grants asylum-seekers the right to work at some point during their application (Mansour-Ille, 2018a). Yet beyond the legalities around the right to work, research shows that refugees and asylum-seekers, who often lack knowledge of the local language, are frequently faced with other social, political and cultural barriers to employment. Practically speaking, many asylum-seekers and refugees, who in theory do have the right to work, are unable to integrate into the local economy due to linguistic, social and cultural barriers (Mansour-Ille, 2018). So too here, a study conducted by Parutis (2014), has revealed that “it is hard to categorize migrants individuals as highly skilled or low-skilled because, in spite of their relatively high qualifications, they often occupy low-skilled positions in the United Kingdom”.

Hagen-Zanker et al. (2017) concede that despite the existence of legal migration pathways, there are legal, social and political barriers to employment on the ground. It

further reveals that restrictions on mobility as well as the high costs involved in the different stages of the migration process undermine potential payoffs and prevent those who would benefit the most from migrating from doing so in a regular and orderly manner.

As in a study conducted with Syrian refugees in Jordan, Ritchie (2017), complains that despite the recent initiatives of the Jordanian government to facilitate access to work permits, there are social, cultural, economic and other barriers that restrict the access of Syrian refugees, especially Syrian refugee women, to the labour market. These include a lack of economic opportunities and chronic under-development, the prevalence of the informal sector. Social and cultural barriers (e.g. safety and transportation) associated with traditional work also make it particularly challenging for women to access the labour market.

Parutis (2014), reports the existing of numerous case studies of migrants showing that a university degree gained in the country of origin does not guarantee migrants a skilled position after migration. This can be seen in the case of foreign nationals living in South Africa most of whom hold university degrees but still find themselves in informal sectors doing jobs such as car-guard, car washes, or security guard (Cinini, 2015). Similarly, Parutis (2014), has reported Filipino domestic workers who often have tertiary qualifications, but still work in household caring occupations, in reference to Eastern European migrants being largely highly skilled in terms of their qualifications, but often work in what is classified as low-skilled employment. According to Parutis (2014), not only migration is motivated by economic gains, or in order to earn money, but also people migrate in order to try life abroad.

Migrants' cultural capital originates in their home country and is subsequently transformed by their migration experiences. In the process of migration, their cultural capital often devalues as their qualifications acquired in their home country are not recognized in the host country or their linguistic skills prevent them from acquiring a position that would suit their qualifications (Parutis, 2014). The same study reports that East European migrants do not stay in one particular job after their arrival in the immigration country, but more between jobs, aiming to improve their economic position in the British labour market. Parutis (2014), affirms that they firstly focus on finding "any job" that would allow achieving a certain level of financial stability and

foothold in the country. After a while, they search for a position (a “better job”) that would offer them better working conditions and higher social status. Finally, they have the ambition to become employed in a “dream job” that will fit with their future plans.

In this same study, Parutis (2014), observes that “when they arrive in the United Kingdom, the ‘migrants’ first concerns relate to finding a source of income on which they could survive. Therefore, they search for ‘any job’ that would pay their living and subsistence costs in London, the ‘any job’ stage is characterised by excessive working hours and saving, often more than one job, low wages, agency work, and problematic employment relationship” (Parutis, 2014: 41). Consequently, the low-waged employment at the beginning of their migration experience makes it harder for migrants to save enough money to secure their financial position in the United Kingdom, leading to the intake of an additional job to increase their income. Parutis (2014), reports the case of Ruth who has worked as a cleaner in the United Kingdom for several years now, and still has recently found a part-time position as an event’s organiser but still keeps her cleaning job. From the perspectives on this research, it can then be argued that in almost all countries worldwide, foreign nationals experience similar hindrances to the job markets. The none employability of foreign nationals in a host society is explained by the poor attitudes of locals towards them, but also the high level of hatred of the outsider. Consequently, the life of the individual is threatened due to poor or low income and in some instances inexistent income.

By analogy, South Africa has attracted a sizeable influx of black Africans from other African countries seeking economic opportunities and/or human rights protections (Adjai and Lazaridis, 2013). According to Crush and Ramachandran (2014), a large number of immigrants are unskilled or semi-skilled generally settle in the informal settlements near major cities such as Pretoria, Johannesburg, Cape Town, and Durban. The informal economy in South Africa relies on cheap and easily exploitable labour of undocumented immigrants mostly from Mozambique, and other African countries. The migrants’ willingness to work for low wages and to enter this informal economy is perceived as taking opportunities from South Africans, resulting in animosity between the two groups (Kinge and Tiobo, 2016).

Even more, the South African economy is characterised by high rates of unemployment, widespread underemployment, and deepening inequality (Theodore et al., 2017). There



is evidence that perceptions of direct competition between South African citizens and foreigners for jobs and housing may have been a catalyst of the periodic outbreaks of xenophobic violence that have occurred in South African cities. However, research by Crush and Ramachandran (2015a), found heightened levels of xenophobia among self-employed South Africans working in the informal economy. This suggests that if South Africans who are informally employed perceive that foreigners are “stealing” their jobs or driving down wages, immigrants could face dramatically increased risks to their lives and livelihoods from these tensions and the outbreaks of collective violence they seem to have engendered. This is sustained by strain theory explaining how strains lead to anger, due to the unsatisfactory life conditions of individuals, not only foreigner nationals are excluded but also discriminated and physically attacked when competing with local citizens for jobs.

Exploring the lived experiences of xenophobic and discriminatory attitudes towards Mozambican immigrants in an informal settlement in South Africa, Moagi et al. (2018), found emotional, physical, and verbal abuse as some of the experiences of Mozambican immigrants by South African citizens for being foreigners. Again, the same study confirms that immigrants are discriminated against, but also ethnic discrimination in accessing work and other human services has been reported as one of the experiences of immigrants in South Africa at large.

Hunter-Adams and Rother (2017b), concur that migrants in South Africa continue to be marginalized and subject to a broad range of discrimination (e.g. violence against foreign-owned businesses, job discrimination). The experiences of exclusion are exacerbated by a lack of legal status, as well as minority status relative to South African population groups. Conversely, a study conducted by Cinini (2015), has demonstrated that having a legal status is not a guarantee to secure a job in Durban. The findings have verified some group of foreign nationals who have legal documentation but still facing discrimination in different governmental and private institutions not only for jobs but for other services meant to them as migrants. Crush and Tawodzera (2017), report that migrants and refugees face severe obstacles in accessing loans from formal sources in South Africa as they require collateral. To that end, Moagi et al. (2018), confirms that in South Africa, xenophobia has damaged the informal employment sector, resulting in higher unemployment rates due to the displacement and burning of immigrant shops that employed South Africans.

### *Detention and Deportation*

Mass migration is now an everyday feature of the world, both as an element emphasizing the privilege of those with wealth and the right passport and as an ongoing labour requirement of the stronger economies (Garner, 2015). By the end of fiscal year 2016, the Obama administration had formally deported more than 3.4 million noncitizens from the United States – exceeding the 2.2 million deported during G. W. Bush’s term, as well as the nearly 870,000 during the Clinton administration as per the US Department of Homeland Security, 2016 (Martínez et al., 2018). Furthermore, Martínez et al. (2018), alert that on January 25, 2017, after a successful campaign fuelled by anti-immigrant rhetoric and xenophobic discourse, President Trump signed two executive orders that will increase immigration enforcement and place a notable emphasis on expanding the deportation apparatus. Thus, deportation carries a host of notable legal and social risks for migrants and their families, many of which result in serious unintended social consequences, including subsequent criminalization, family separation and dissolution, and psychological problems (Martínez et al., 2018). As with Garner (2015), social justice and some migrants’ human rights are clearly being eroded.

In fact, one of the defining features of the socio-political condition of migrants, whatever their precise juridical status within a nation-state’s immigration system is the susceptibility to deportation, which is a virtually universal quality of being a non-citizen (De Genova, 2016). Within any given regime of immigration-related conditionalities and contingencies Goldring and Landolt (2013), alert that migrants always remain more or less deportable. In fact, Garner (2015), concurs that the experience of deportation fragments society hurts the deported people, and damages their social networks’ ideas of what American means in terms of liberty and justice.

De Genova (2016), recognises that detention has become an ever increasingly significant feature of how states govern migration. In fact, Banks (2011), admits that the rise in the number of foreign nationals prisoners has taken place in the context of increased populist anxiety about immigration and crime. For example, in January 2013, two Iraqi nationals admitted to the United States as refugees in 2009 were sentenced to 40 years and to life in prison, respectively, for multiple terrorism-related offences (Order, 2017). In October 2014, a native of Somalia who had been brought to the United States as a child refugee and later became a naturalized United States citizen

was sentenced to 30 years in prison for attempting to use a weapon of mass destruction as part of a plot to detonate a bomb at a crowded Christmas-tree-lighting ceremony in Portland, Oregon (Order, 2017).

Bernard (2017), has reported detention as one of the different forms taken by the management of migration. According to Bernard (2017), in order to stop irregular migration, meaning entry into or stay or residence in a country of which the individual in question is not a national without proper documentation, some States resort to administrative or criminal detention. The problems and consequences of choosing detention as a tool rather than alternatives to detention vary, but as the phenomenon is gaining pace and detention conditions can and sometimes do cause harsh physical and mental health problems affecting both the personal and health security of the individual migrant.

For one thing, Denmark's policy of confiscating asylum-seekers' and migrants' valuables in order to pay for their time in detention camps closely resembles Australia's practice of charging asylum-seekers for the costs of their detention. Far-right groups such as the Danish People's Party have urged the country to adopt a similar model to Australia's system of offshore detention (Hargrave and Pantuliano, 2016).

By analogy, Indonesia has also seen a sharp increase in the use of immigration detention. By 2015, 33 detention sites were in use throughout Indonesia (Fleay and Hartley, 2016). While there are mechanisms under which detainees can eventually be released into the community, detention is mandatory for anyone intercepted attempting to enter or leave the country illegally. Conditions in detention are poor, with reports of mistreatment, poor health services and sanitation and longer processing times for resettlement claims (Ali et al., 2016).

In May 2015, as a crisis began to unfold in the Andaman Sea over boats of Bangladeshi and Rohingya refugees and migrants, Indonesia's initial response was to turn the boats around. Indonesia eventually agreed to allow them only after fishermen in Aceh had spontaneously rescued three boats and was on the condition that the international community resettle the 2,000 by May 2016, a deadline which the Indonesian government acknowledged was no longer realistic (Topsfield, 2016).

Nevertheless, globalization has increased the flow of people across Europe, bringing economic expansion and ethnic diversity (Barker, 2012). Since 1990, nearly every

European democracy has increased incarceration, locking up common criminals and those perceived to be outsiders. Foreign nationals are overrepresented in nearly every European prison, making up over 50 per cent of the prison population in Greece, 35 per cent in Spain and Italy, for example, or 28 per cent in Sweden (Brief, 2011). Foreigners in France, for example, are two to five times more likely to be sentenced to prison than nationals (Pager, 2008), with foreign nationals making up over eighteen per cent of the prison population (Barker, 2012). Furthermore, the intensification of border control – the regulation of both territory and group membership – has subjected a growing number of people to detention and expulsion, as immigration itself has become, in part, criminalized (Barker, 2012). The controversial expulsion of Roma, EU citizens, from France in the summer of 2010 and the large-scale detention of North African migrants in Lampedusa, Italy fleeing the Arab Spring of 2011 (Campesi, 2011), among other events, graphically illustrate the rise of state coercion, directed particularly against those perceived to be foreigners and mobile.

De Giorgi (2010), further explains that the criminalization of migration satisfies the needs of post-Fordist economies by creating a vulnerable, cheap but disciplined workforce subject to de-regulated, flexible, and segmented labour markets. In other words, however labour migrations live in a perpetual state of insecurity and deportability, making them by definition exploitable and subject to capitalist control not only of their mobility but well-being. A significant body of research has identified that foreign nationals' experiences of prison are characterised by isolation, language barriers, limited or no family contact, discrimination and racism, limited understanding of the prison and criminal justice system, and a number of problems linked to immigration-status, post-sentence detention, resettlement and deportation (Banks, 2011).

### ***Refugees and asylum seekers***

In 2015, the world's population of displaced persons grew to its largest number in human history: At slightly more than sixty-five million, this group constituted approximately one out of every 113 people alive by 2017 (Ormsby, 2017). Similarly, presenting the highest level of displacement that has ever been on record, in 2016 the Office of the United Nations High Commissioner for Refugees (UNHCR) estimated that "65.3 million of these people were said to be refugees (Donnelly, 2017).

The movement of refugees across borders has contributed to growing anxieties that have directly contributed to heightened border policing. Pickering (2004), has argued previously that refugees have been routinely represented as a 'deviant' population in relation to the integrity of the nation-state and to race and disease. Such deviance is underpinned by a language and politics of exclusion whereby the deviance of refugees has come to be regarded as common sense. Refugees have not only been considered criminal (illegal immigrants') but security risks to the maintenance of territorial borders – those same borders that are globally fading in relation to the transfer of information, goods, and the movement of individuals from wealthy nations. Consequently, refugees have routinely been represented as embodying a threat to national security, which research indicates contributes to the validation and invocation of repressive state responses (Pickering, 2004).

Increasingly, many western governments are implementing hard-line or restrictive asylum policies and practices in order to deter and to prevent asylum-seekers from seeking refuge on their territory, including by interception and interdiction measures, visa controls, carrier sanctions, 'safe third country' arrangements, administrative detention, and/or restrictive interpretations of the refugee definition (Edwards, 2005). Increased detention, reduced welfare benefits and severe curtailment of self-sufficiency possibilities, coupled with restricted family reunification rights, have all been manifestations of this trend (Feller, 2001).

Similarly, Fleay and Hartley (2016), observe that many industrialised countries have introduced measures over the past few decades that are designed to deter the arrival of asylum seekers, including restricting the asylum seekers rights to work. For example, asylum seekers in the UK are not permitted to work while their application is pending and can only apply after twelve months if their case has not been resolved and the delay is 'through no fault of claimant'. Germany allows asylum seekers to work after three months but they can only be considered for a job if no qualified Germans or foreigners with work permits apply, likewise, the United States denies asylum seekers the right to work while they await the outcome of their refugee applications and are also prevented from receiving government welfare assistance.

In Ethiopia, Home Office (2014), reports that those are few opportunities available to Eritrean refugees and asylum-seekers in Addis Ababa involve informal work for

Ethiopian business owners. However, evidence suggests that informal participation in the Ethiopian labour market is often structured on adverse, unstable and exploitative terms. Again, the finding by Mansour-Ille (2018), shows that across the Middle East and North Africa (MENA) region, the majority of Syrian refugees are working in the informal sector, which is a growing sector in general in the region.

In Jordan, for example, the informal economy represents 44% of the total employment (Mansour-Ille, 2018). Where Syrian refugees are not automatically granted the right to work in MENA countries, the research shows that they are often forced to work illegally or in the informal economy. In Jordan and Turkey, for example, Syrian refugees expressed that they felt forced into taking up informal, low-paying jobs despite the introduction of work permit schemes in both countries (Mansour-Ille, 2018).

Informal employment among Syrian refugees remains prevalent. A large number of refugees are only skilled to do jobs that are law reserved for Jordanians and hence work according to their skills, for example, the interviews with Syrian refugee women in Jordan demonstrated that a significant number ran home-based enterprises mostly in hair and beauty services – a profession reserved for Jordanians – or other domestic related work, including tailoring (mainly mending clothes) or food production and delivery (Mansour-Ille, 2018). This is in support by the study of Hunt and Wheeler (2017), who reported that Entrepreneurship in the informal sector is largely gendered, with women often working as petty traders, food vendors and hairdressers. Men often work as artisans, construction workers and motorbike drivers. However, many countries in Africa and Asia lack legal support systems to address problems in the informal sector, such as exploitation. This leaves informal labourers with no legal recourse and without access to basic services (Awumbila et al., 2014).

The term asylum seeker refers here to a person who arrived at a country of asylum but whose refugee status is yet to be determined. According to the United Nations (UN) Convention Relating to the Status of Refugees (Refugee Convention), a person is found to be a refugee if it is considered likely they would face persecution in their home country due to their race, religion, nationality, membership of a particular social group or political opinion (Mansour-Ille, 2018).

Nevertheless, while numbers of asylum seekers received by Australia are small compared to global figures a range of deterrence measures have been implemented in

response to increasing numbers arriving by boat in recent years. UNHCR (2013), indicates that one of the more recent measures was denying asylum seekers who arrived by boat after 13 August 2012 the right to work upon their release from immigration detention into the community. Similarly, refugees are not entitled to welfare payments and cannot work or start a business (Ali et al., 2016), though regional variations in how policies are applied mean that the authorities can turn a blind eye to refugees' involvement in work Nethery et al. (2013). Nevertheless, while the right to work is of profound importance to enable anyone to live a life with dignity, Edwards (2005), concedes that it is particularly important to refugees and asylum seekers as a means of survival's as well as a means of restoring a 'sense of dignity and self-worth. According to Edwards (2005), having the right to work and securing employment enables asylum seekers to improve work and language skills, enhances their capacity for economic independence and fosters an ability 'to participate in and contribute to a host community'. In the study based on in-depth interviews with 29 asylum seekers who were released from immigration detention in Australia into community-based arrangements with no right to work and limited entitlement, Fleay and Hartley (2016), report being denied the right to work and receiving only minimal financial support, and thus having long periods of time with very little to do, is both a source of and exacerbates feelings of great anxiety, sadness and fear among asylum seekers interviewed in the study, but also the finding has demonstrated that the interviewees expressed feelings and suggested the policies to have a negative impact on their mental health.

Again, in other areas policies have been so strictly applied that refugees, out of desperation, have reported to Immigration Detention Centres (IDCs) as a means to access food, shelter and healthcare (Fleay and Hartley, 2016). For instance, One representative from an international NGO indicated two key ways in which Indonesian refugee policy has grown more restrictive in recent years: through the increasing criminalisation of refugees, and through the increasing use of immigration detention (Hargrave and Pantuliano, 2016).

In addition, the law, the foremost legal source on migration in Indonesia, does not mention 'refugees' or 'asylum-seekers' as a distinct category. In the eyes of the government, refugees are illegal immigrants who can burden the state and pose a threat to the sovereignty and security of the country. Hargrave and Pantuliano (2016), notes

that Indonesian officials frequently refer to refugees as “illegal migrants”. As a consequence, this law does not recognise the rights of refugees since they are seen as illegal, which affect their livelihood in the host country. This leads to arguing that these refugees have a serious human security problem if they cannot get access to any facilities within the host country such as access to health care services, housing, employment and other basic human needs provided by the government to its populations, affecting directly their safety and security in the country.

In South Africa refugees typically rely on an informal economy and some scholars have suggested that refugees, in many cases, are less vulnerable than their local counterparts in terms of their abilities to generate income (Hargrave and Pantuliano, 2016). Yet urban refugees in South Africa also face a daunting range of obstacles. Lack of documentation limits access to jobs, housing and other public services such as rental accommodations and permits for businesses (Landau and Duponchel, 2011). In fact, Misago and Monson (2010), recognise that refugees are subject to community violence, crowding, harassment from landlords and exploitation from officials and police as well as fear of xenophobia which places urban refugees at heightened vulnerability compared to the local urban poor.

South Africa’s long history of migration from the region, the rest of the continent and overseas, and even its characterisation at times as an “immigration country”, the shape, scale and scope of migration have altered significantly since 1994. The opening up of South Africa has unfastened doors that were previously closed, or only partially open, for many potential migrants, particularly those from the rest of the continent, Asia and the Indian sub-continent. At the same time, the new democracy is attractive to people who would previously never have considered to live in South Africa, as well as to people seeking refuge from persecution and war (Crea et al., 2017).

### **South African History of Crime**

South Africa has been described as the most hostile country in the world towards refugees and migrants, but such attitudes should be understood within the country’s narrow conception of national belonging, endemic xenophobia and its apartheid past (Crush and Peberdy, 2018). The South African media is consistently filled with local stories of crime, violence and injury. Internationally, South Africa has an increasingly dubious reputation as a highly dangerous place (Crush et al., 2013). Kaminer and Eagle



(2017), admits that despite the steady increase in popularity with the international community, South Africa has developed a reputation for being an unsafe place to visit. This is not surprising as South Africa has extraordinarily high levels of violent crime. Everyday life in South Africa is marked by different forms of violence such as political violence (George, 2003), criminal violence (Kaminer and Eagle, 2017), gender-based violence (Altbeker, 2007) which affect both local and foreign nationals.

Before tackling the issue of safety and security of African foreign nationals living in Durban South Africa, I find reasonable to look at the crime situation in contemporary South Africa in reference to the historical perspective of violent crime during the apartheid regime. This will shed light on the root causes of violent attacks against African foreign nationals living in Durban South Africa. Since an individual's experiences with places vary across different stages of life, so a life course approach is important to understand the complex relationships between individual and environment (Kaminer and Eagle, 2017). In fact, Stokols (1987), points out that the role of place in traditional theorizing about why people commit crime has increased over the last few decades. According to Clarke (2018), while the dominant focus of criminology remains on individuals and why they commit crime, there is growing recognition of the need to recognize the influence of places on individual behaviour. So too here, In the nineteenth century, Emile Durkheim suggested that crime was not indicative of pathology or illness in Society, but at certain levels was simply evidence of the normal functioning of communities (Clarke, 2018). For Durkheim, the idea of a normal level of crime reinforced his theoretical position that crime helped to define and solidify norms in society. In like manner, according to Durkheim a certain amount of crime is normal in any society: *"crime is present not only in the majority of societies of one particular species but in all societies of all types. There is no society that is not confronted with the problem of criminality. Its form changes; the acts thus characterized are not the same everywhere; but, everywhere and always, there have been men who have behaved in such a way as to draw upon themselves penal repression"* (Durkheim, 1984: 170).

Nevertheless, South Africa has been described as the most hostile country in the world towards refugees and migrants, but such attitudes should be understood within the country's narrow conception of national belonging, endemic xenophobia and its apartheid past (Newburn, 2007). The South African media is consistently filled with local stories of crime, violence and injury. Internationally, South Africa has an

increasingly dubious reputation as a highly dangerous place (Crush et al., 2013). Kaminer and Eagle (2017) admits that despite the steady increase in popularity with the international community, South Africa has developed a reputation for being an unsafe place to visit. This is not surprising as South Africa has extraordinarily high levels of violent crime.

Certainly, South Africa is one of the few countries in the world that has endured protracted political violence as well as high rates of criminal violence, domestic abuse and accidental injury (George, 2003). Kaminer and Eagle (2017) point out that this experience of the past translates into a large number of trauma survivors in our society, with one nationally representative survey reporting that 75 per cent of respondents had experienced a traumatic event in their lifetime and over half had experienced multiple traumas. In the same way, Kaminer and Eagle (2017), concedes that the impacts of crime and violence are multidimensional. Apart from injury and death, victims of crime and violence suffer long-lasting psychological trauma and continuously live with the fear of crime.

#### *Political Violence*

Politically motivated human rights abuses are a feature of many socio-political systems worldwide. Amnesty International has documented the commission of human rights violations such as abductions, torture, genocide and detention without trial in 153 countries, with victims numbering in the hundreds of thousands (Un-Habitat, 2012).

According to the evidence collected by the Truth and Reconciliation Commission (TRC), forms of political violence and traumatisation that were particularly common in South Africa during apartheid included the political detention and torture of those who were active in the anti-apartheid struggle, the abduction and murder of suspected political activists, stoning, shooting and beating of people engaged in political protests, and the intentional destruction of homes and property. However, these forms of political violence were carried out by members of the state security forces in an attempt to suppress anti-apartheid activity, and the victims of these forms of violence were primarily black South Africans making male youths the most common victims of organised state violence, since they were often on the 'front lines of the struggle against apartheid (Kaminer and Eagle, 2017).

Detention without trial was the most pervasive form of repression carried out by the South African state during the apartheid years. Political detention could be an extremely traumatic experience, not only because the conditions in detention were very harsh, but also because apartheid security laws meant that detention could go on indefinitely (many tens of thousands of South Africans are ex-detainees).

Many of those who were detained during apartheid were subjected to torture, for the purposes of obtaining information or a confession and punishing the person for suspected anti-apartheid activities. According to testimonies given to the TRC by torture survivors, the forms of torture employed by South African security forces included beatings, electric shocks, suffocation, drowning, deprivation of food and sleep, exposure to the elements, forced posture and excessive forms of physical exercise, attacks by dogs and sexual abuse (Kaminer and Eagle, 2017).

In addition, Kaminer and Eagle (2017) go on explaining that many forms of psychological torture were used, such as falsely telling a detainee that a family member or comrade was dead, forcing a detainee to observe the torture of a fellow detainee, and emotional humiliation and degradation. However, over 5,000 incidents of torture were reported to the TRC by about 3,000 people mainly concerning the violation of black men between the ages of thirteen and thirty-six years old.

During apartheid, many South Africans were exposed to political violence in their communities, at the hands of the security forces or as the result of conflict between different political factions in the community (Kaminer and Eagle, 2017). The most common forms of severe ill-treatment that were reported were arson (homes or property being set on fire), being beaten, and being shot by security forces during mass protests (Kaminer and Eagle, 2017).

Political violence in South Africa, whether it occurred in the context of detention or in the broader community, was often fatal. Nearly 10,000 politically motivated killings were reported to the TRC by surviving family members of the victims and these are likely to represent only a portion of politically motivated deaths during apartheid whose victims were predominantly young black men (Truth and Commission, 1998).

Nonetheless, there are few, if any, segments of the current adult black South African population that have not been directly exposed to the political violence of the apartheid years (Kaminer and Eagle, 2017). To that end, the conflict between citizens and the

state has resulted in violence in certain instances, and worker and community protests have been harshly subdued on occasion, with reports of police personnel using rubber bullets and tear-gas to disperse protesters. Consequently, the xenophobic attacks against people who have settled in South Africa from other countries that occurred nationwide during 2008 resulted in deaths and injuries, and in broad terms are a form of political violence, as many of these attacks were driven by perceived competition for jobs and resources (Kaminer and Eagle, 2017).

### *Criminal Violence*

In 2007 review of violent crime in South Africa compared with elsewhere in the world, Altbeker concluded that 'South Africa ranks at the very top of the world's league tables for violent crime' (Kaminer and Eagle, 2017). This situation has most likely arisen as the result of a complex interplay of factors that are unique to South Africa. Altbeker (2007) reports that South Africa has had one of the highest murder and armed robbery rates globally several years since the late 1990s.

In a study of the global burden of disease, South Africa's homicide rate was more than five times the global average and 30 per cent higher than that of other countries in Sub-Saharan Africa (Altbeker, 2007). In Canada, Australia and many western European countries, murder rates average less than two people per 100,000 in the population. In the United States which is commonly criticised for its 'gun culture', there are approximately five murders per 100,000 people. In South Africa however, the murder rate in 2006 was forty-one people per 100 000, which translates into approximately fifty murders every day (Matzopoulos et al., 2004). This indicates that each day, there are hundreds of South Africans who are deeply traumatised by learning of the violent death of a loved one.

Mortality surveys in South Africa have also found that young men are by far the most frequent victims of violent assault (Altbeker, 2007). This is in line with research in other countries, such as the United States, Canada and Mexico, which have consistently found that men are most frequently the targets of violence outside the home, and particularly of attacks involving a weapon (Norman et al., 2007). However, in South Africa, a substantial proportion of violence between men appears to occur outside the context of traditional criminal activities such as committing a robbery. Given the high level of involvement of young South African men in gang activity (Kessler et al., 1995).

It is likely that many violent assaults and homicides occur through inter-gang violence. Again, there is evidence from mortality surveys to suggest that violence between South African males often happens in the context of entertainment and is related to high levels of alcohol consumption during recreational periods such as weekends and holidays (Standing, 2005). Robberies in South Africa are much more likely to involve the use of weapon than robberies in other countries. Some surveys have found that as many as 80 per cents of serious robberies reported the South African Police, involve the use of a firearm, compared with less than 20 per cent in economically developed countries. Robberies also frequently involve the use of other weapons such as knives (Ratele et al., 2009). In addition to armed robberies that occur in the victim's home, in the street or on public transport, armed car hijackings and cash-in-transit heists are prominent forms of victimisation in South Africa.

In the South African Stress and Health (SASH) study, participants living in urban areas were more likely to have experienced a violent crime than those living in less urbanised regions (Masuku, 2006). While studies in the United States have found that members of minority ethnic groups in the population tend to be more exposed to criminal violence, in the SASH study there were no significant differences across race and language groups in the percentage of South African adults who had experienced a violent crime outside the home (Williams et al., 2007).

### *Gender-Based Violence*

South African women and girls are at high risk of experiencing intimate partner abuse and sexual violence or coercion. Gender-based violence includes physical and sexual assaults perpetrated by intimate partners, as well as physical and sexual assaults by non-partners (Williams et al., 2007).

In South Africa and elsewhere, reliable statistics on the prevalence of gender-based violence are difficult to obtain because in many cases violence against women remains unreported. This occurs for many reasons, including women's emotional and economic dependency on the abuser, fear of further punishment by the abuser, lack of confidence in the police and fear of being further victimised by the criminal justice system, the absence of any nearby police stations, feelings of shame and self-blame, or an acceptance of the abuse as normal deserved or a private matter that should not be disclosed (Kaminer and Eagle, 2017). Furthermore, police statistic tends to classify

reported acts of gender-based violence under more general categories such as assault or attempted murder, which do not reflect the gender of the victim.

In South Africa, the nationally representative SASH study conducted from 2002 found that 14 per cent of adult women reported having experienced physical abuse by an intimate partner (Jewkes and Abrahams, 2002). While available statistics do not necessarily indicate that rates of intimate partner violence are higher in South Africa than elsewhere, there is some evidence that rates of sexual violence are exceptionally high in South Africa compared with the rest of the world (Kaminer et al., 2008).

In 1995, the Human Rights Watch report labelled South Africa as the rape capital of the world (Kaminer and Eagle, 2017) and a 1999 comparison of South Africa with eighty-nine Interpol member states found that South Africa had the highest ratio of reported rape cases per 100,000 in the population (Bollen et al., 1999). While comparisons to other countries are somewhat limited by the fact that the legal definition of rape varies across different countries, it is clear that South Africa women are at enormously high risk of sexual victimisation (Kaminer and Eagle, 2017). Again, some studies indicate that women in specific communities in South Africa are at a much higher risk of sexual violence than is reflected in the national average that has been reported in the different surveys in South Africa (Kaminer and Eagle, 2017).

#### *Indirect Traumatisation*

Research in countries such as the United States and Canada has established that one does not need to be a direct victim of a trauma in order to develop posttraumatic symptoms. Even being indirectly exposed to a situation where someone else's physical safety is under threat can result in a similar response to that which is common after being directly traumatised Kessler et al. (1995). Indirect forms of traumatisation include witnessing violence or injury to another person, as well as hearing about a trauma that occurred to someone close, such as a family member or close friend.

Nonetheless, (Kaminer and Eagle, 2017), point out that there is an accumulation of disturbing evidence that interpersonal violence in South Africa takes a more severe and lethal form than the international norm. almost half of all South African deaths due to injury are the result of interpersonal violence, which is four-and-a-half times the rate of violence-related deaths internationally (Seedat et al., 2000).

Violence between young men and (often in the context of gang activity or alcohol-related entertainment) and sexual and physical violence towards women and children all take a particularly brutal form compared with such interpersonal violence in many other countries. As such, the stereotype of South Africa as a particularly dangerous society does appear to be supported by systematic evidence. However, the greatest burden of trauma exposure falls upon South Africans who have historically been the victims of political oppression, many of whom still continue to live in conditions of poverty and disempowerment making chronic strains within their life conditions.

Together, the above forms of violence project South Africa as a country with a propensity to violence which affects not only the local citizens but also international migrants.

### **Anti-immigrants Attitudes in South Africa**

International migration has always been an integral part of the modernisation and industrialisation of contemporary South Africa. Such migration dates back to the mid-nineteenth century when extensive migration systems were created by the colonial state to serve the mining and agricultural sectors Gordon (2015b). Simply put, Gordon (2015b), is of the view that anti-immigrant sentiment would be better understood as a political discourse rather than a response to economic conditions. However, in South Africa, the post-apartheid era has been marked by a steady undercurrent of xenophobia, both attitudinal and behavioural. (Claassen, 2017), observes that African migrants are the immigrant group most likely to experience the behavioural consequences of xenophobia. Public attitudes towards immigrants and the government's reaction to that anti-immigrant sentiment must be understood as part of a political discourse that prioritises indigeneity and promotes South African exceptionalism. Following the breakdown of the apartheid system, the new democratic government discouraged the recruitment of foreign workers in the country (Neocosmos, 2010). This decision was made in an effort by the state to protect 'indigenous' South African labour from foreign competition. By extension, in the years after the democratic transition, a number of politicians seem to have promoted anti-immigration message. The Minister of Home Affairs during the late 1990s, Mangosuthu Buthelezi, made a series of statements arguing that African foreigners were a threat to local economic development in the

country and that a considerable share was involved in criminal activities (Neocosmos, 2010).

Nevertheless, to better understand xenophobic opinions in South Africa, the 2006 South African Migration Project (SAMP) survey on attitudes towards immigration asked questions about foreigners from specific countries. According to the public opinion data from SAMP on South Africa, a majority of South Africans believed that immigrants create unemployment and drain the country's economic resources (Crush and Chikanda, 2012). In the same way, South Africans believe that immigrants are largely responsible for the post-1994 crime wave in the country (Crush and Peberdy, 2018). In 2012 more than half (55%) of the nation's adult population identified African immigrants as the most undesirable foreign immigrant group (Gordon, 2015b). Indeed, in a national survey of South African citizens conducted by the SAMP, respondents were asked what, if anything, they had to fear people from neighbouring countries. Almost half of the population (48%) felt that migrants were a "criminal threat" compared to 37% who thought they were a threat to jobs and the economy and 29% who thought they were a health threat. The simplistic, and largely unsubstantiated, an association of foreignness with criminality, job-stealing and disease is echoed in the rhetoric of state and the media (Crush and Peberdy, 2018).

In addition, crime statistics for police operations regularly report the apprehension of "illegal immigrants" in the same breath as arrests for armed robbery, car-jackings and rape. Officials and politicians from all parties subscribe to a discourse in which foreignness and criminality are assumed to be closely correlated (Crush and Peberdy (2018). To that end, (Wacquant, 2009), concludes that the battle for scarce resources has led to the "criminalization of immigrants" where immigrants become the "symbol of and target for all social anxieties". Hence subject to victimisation affecting the safety and security of African foreign nationals living on the South African land.

Although emergencies affecting migrants are becoming increasingly complex and multifaceted, the intersection of crisis situations in countries of origin and destination have been given insufficient attention (Crush et al. (2018). A dual or multiple crisis situations spanning origin and destination presents new, and not easily resolved, challenges for the management of crisis and the safety of displaced migrants. According to (Crush et al., 2018), the intersection of crises affects the kinds of assistance that can



be given to migrants by both sending and receiving governments as well as by humanitarian agencies and other actors.

While crisis circumstances are seen to occur outside the realm of regular, normal development and change, migration is seen as a threat to the regular order of relationships between the state and its citizens. However, large -scale flows to another jurisdiction precipitated by crisis conditions are inevitably viewed in a negative light and as placing a significant strain on host populations (Crush et al., 2018).

Far from appreciating the crisis-driven nature of these movements, host populations very often respond with a mixture of anxiety, animosity and intolerance to the physical presence of migrants who have been forced to flee intolerable circumstances in their home countries (Crush et al., 2018). For one thing, (Crush et al., 2018), argue that migration from Zimbabwe to South Africa tends to be seen as an atypical, exceptional, and temporary phenomenon, characterised almost entirely in negative or abnormal terms. Migration is seen solely as a speedy response to the crisis in Zimbabwe, overlooking the many reasons people leave and the fact that more people stay put than migrate. On the South African side, migrants from Zimbabwe are viewed as an unwanted burden, usurping what is regularly characterised as limited or scarce resources meant exclusively for citizens.

Nevertheless, routine xenophobia manifests itself in negative stereotyping, exclusionary language, verbal denigration, denial of access to services such as health and education, and insistent demands from citizens that government rid their communities and the country of foreigners (Crush et al., 2018). Even more, a recent SAMP survey of Zimbabwean migrants found that nearly half had been robbed and a third had been physically assaulted in South Africa (Crush et al., 2012). Violent attacks are merely the surface expression of a large reservoir of South African resentment and hostility.

Xenophobia is defined as attitudes, prejudices and behaviour that reject, exclude and often demean a person, based on the perception that they are outsiders or foreigners to a community or society (Adjai and Lazaridis, 2013). Xenophobia attack began very early in human history. They were fuelled by the notion of difference, typified by “the other” – strangers and settlers of different skin pigmentation, customs and faith, who appear unwilling to dissolve into their host community. The “strangers” were perceived

to be “arrogant” if they maintained their customs, “exploitative”, if they were seen to be more successful than their hosts, and “bigoted, “if they adhered to their religious beliefs (Olukoju, 2011).

Olukoju refers to the history of Jews saying that, throughout their recorded history, Jews experienced (and still face, in certain places) discrimination in foreign lands on the basis of their “difference.” In later time, Jews have been victims of the xenophobic concept of Anti-Semitism, a virulent form of race hate that spread across Europe and the Middle East, and beyond. Accordingly, Jewish minorities faced various forms of institutionalised discrimination leading to outright persecutions in Central and Eastern Europe, especially, Russia (where the term was invented in the context of Jewish xenophobic massacres) and Germany Olukoju (2011).

While the experiences of the Jews represent an extreme example of xenophobic attacks, especially in the face of stark differences between them and host communities, the same could not be said of Africa. The point must be stressed that xenophobic attacks might not even involve direct physical violence as illustrated by the expulsion aliens, their state-backed exclusion from certain economic activities or the legislated take-over of their business under various schemes of indigenization. The examples of Nigerians in Ghana and Guineans in Sierra Leone underscore this possibility. (Nell, 2009), states that during the seventies the Ghanaians, for instance, removed Nigerians from their country under the “aliens’ compliance order” In the eighties, the Nigerians retaliated by chasing hundreds of thousands of Ghanaians out of their country.

In recent years, Russia has witnessed skinhead riots and street raids by chain-and-rod wielding thugs; torchlight marches and attacks on mosques and synagogues; murders and beatings of foreign residents and diplomats; desecration of Jewish cemeteries, and intimidation of Chinese traders by whip-cracking Cossack gangs (Alexseev, 2011). The rise of such extreme xenophobic attitudes and behaviour in Russia fleshes out major theoretical and empirical problems in explaining anti-migrant hostility. One may attribute the latter to the social traumas of Russia’s post-communist transitions – including a transition from one of the world’s most migrant-restrictive states before 1991 to the state with the world’s second largest migrant stock by 2005 (United Nations, 2006) Alexseev (2011).

(Alexseev, 2011), reports that Russian scholars and human rights activists who have monitored and analysed xenophobia an anti-immigrant hostility in recent years emphasize political, socio-economic, and cultural explanations well-known in comparative research on interethnic hostility. Principal among them has been a defensive reaction to rapid social change, socio-economic grievances, frustration, and competition as well as intergroup prejudice. In the first category are studied in which the principal outcome variable is anti-migrant behaviour – particularly communal violence and hate crime. In the second category are studies in which the principal outcome variable is defined as xenophobia, or anti-immigrant attitudes, sentiments perceptions, valuations, and similar concepts, but not as unconditional support for coercive exclusionist policies such as the deportation of all migrants Alexseev (2011). Also, (Alexseev, 2011), reports several studies that examine support for increasing or decreasing the number of migrants in a state through changes in the law or in general, without specifying policy tools.

The security dilemma is a well-established concept in the study of international relations and intergroup conflict. It emphasizes the role of uncertainty about the intent of other individuals, groups, or states under weak central authority in creating perceptions that attack is preferable to defence and hostility is safer than cooperation – thus explaining the paradox of violent conflicts erupting despite the shared preferences of violent conflicts erupting despite the shared preferences for peace (Alexseev, 2011).

To take a historical course, xenophobia did not originate from South Africa. Nor is it peculiar to the country. Australia, North America, Europe, the United Kingdom, Japan and others have a long history of xenophobia. But before the widespread May 2008 xenophobic attacks by black South Africans against other black Africans in South Africa, xenophobia has also, for a relatively long period, been practised on South Africans. It is on record that apart from hating its black majority South African population, the white apartheid government of South Africa was also belligerent to neighbouring African countries and their black citizens (Oloyede, 2011).

South Africa's crisis of xenophobia is defined by the discrimination and intolerance to which migrants are exposed on a daily basis. A major target of the country's extreme xenophobia – defined as a heightened form of xenophobia in which hostility and opposition to those perceived as outsiders and foreigners are expressed through

violence acts – is the businesses run by migrants and refugees in the informal sector (Crush and Tawodzera, 2017).

In May 2008, xenophobia violence erupted in South Africa. Emerging first communities around Johannesburg, the aggression spread to other provinces. Sixty-two people died, and 100,000 (20,000 in the Western Cape alone) were displaced (Vromans et al., 2011). As the attacks escalated across the country, thousands of migrants searched for refuge in police stations and churches. The mobs stormed from a shack to shack, assaulted migrants, locked them in their homes, and set the homes on fire (Vromans et al., 2011).

On October 2012, Amnesty International reported that 600 small businesses run by asylum-seekers and refugees in South Africa's Limpopo province have been forcibly closed across the province by the police conducting an operation known as "Hard Stick". This operation involved seizing trading stock and forcibly closing the premises. Amnesty International (2010.1) reports that in February 2010, more than 130 adults and children, most of the Ethiopian refugees, were affected by violence in Siyathemba Township, 80km south of Johannesburg. They lost their livelihoods when an armed crowd of several hundred people looted and destroyed their shops. Some also lost their homes as they were living in the shops. Nearly 60 people required emergency shelter and humanitarian assistance (Singh, 2011).

In line with xenophobia, Ilesanmi 2011 states:

The current xenophobic attacks happening in South Africa are a product of anti-immigrants' feelings against foreigners moving across the borders of South Africa, especially people from Zimbabwe, Nigeria, and Mozambique Ilesanmi (2011, p. 243).

He argues that in South Africa, the locals call them the "Amakwerekwere" or ('Umuntu wondabu', used to signify illegal migrants from African countries, this word applies only to African foreigners but not to other foreigners from other continents) which is according to Bostick (2012) an informal term used by South Africans to identify African foreigners. This is an increasingly popular term in post-Apartheid South Africa, primarily because there has been an apparent increase in foreign Africans entering South Africa. The assumption is that Africans entering South Africa are somehow

coming because they want to take part in the recent democratization and new freedoms of South Africa.

According to Ilesanmi (2011), hatred of the “Amakwerekwere” erupted in the streets of Johannesburg in 1997, when there were violent clashes between local street traders and competing foreign vendors. At the time, Minister of Home Affairs Mangosuthu Buthelezi described the influx of millions of illegal visitors as his “biggest headache”. This study reveals that abuse of Amakwerekwere on the streets by South African citizens has been compounded by the frequent ill-treatment that both legitimate asylum seekers and legal or illegal migrant workers receive at the hands of police and officials from the DHA (Ilesanmi, 2011). Such abuse includes arrest and re-arrest as well as extortion of rands by the Zulus and policemen, from the migrants. For instance, a Zimbabwean named Sibanda who like millions of others fleeing the economic and political disintegration in their country came looking for work in SA in 1986. He took advantage of a government amnesty in 1996 which allowed him to legalize his status. He reported that “when he had no papers, the Zulus and policemen treated him very badly”.

Some of the migrants also suffer forceful ejection from the rented apartment by their South African landlords. All these attacks negate the dictates of Articles five, and nine of the Human Rights Laws (Banning, Sepúlveda, Gudmundsdottir, & Chamoun, 2004).

Article 5: *“No one shall be subject to torture or to cruel, inhuman or degrading treatment or punishment”*. Article 9: *“No one shall be subjected to arbitrary arrest, detention or exile”*.

Over the past years, the law controlling immigrants has been changed, but its critics describe it as not much better than its predecessor, the Aliens Control Act. Consequently, xenophobic attacks and other offences are the recent and continuing acts of violence and human rights abuses being perpetrated in South Africa against migrants’ workers, foreign nationals, asylum seekers and other refugees from other African states. These attacks deny or destroy the human dignity of others as put forward in the human rights act Banning et al. (2004). Article 6 of the Act state that “Everyone has the right to recognition everywhere as a person before the law” while Article 23: (1) accords everyone the “right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment”.

Hall (2015), reported that between 2008 and the anti-foreigner riots of April 2015, 350 foreigners were killed in South Africa in what could be described as ‘xenophobic attacks’, separate from murders motivated by other reasons. (Hall, 2015) argues that *“South Africa’s flare-up of anti-foreigner rioting and killings in April 2015 is a repeat of a murderous spree that occurred in 2008, and indeed is a repeat of black-on-black violence in the country’s transition from apartheid to democracy”*. However, in April 2015, the stabbings, burning and murder that characterised often lawless townships where the progressive country’s poor reside in slum-like conditions went from local crime to an international scandal. The attacks on largely African nationals whom their assailants felt were robbing them of scarce job and commercial opportunities disturbed the relative serenity of the South African region, where an absence of armed conflict has prevailed for more than a decade; a relative tranquillity that Central, Eastern, Northern and Western African regions cannot claim Hall (2015). Nonetheless, despite that foreigners are accused of job stealing, still, some South Africans think that the rise in drug in the country is due to a large number of foreigners who enter the country illegally and initiate their children (local citizens) in dealing with drugs.

Additionally, the attacks also do not reflect the values of the South African Constitution which is firm and clear in the recognition of the fundamental human rights of all who find themselves inside South African borders. These rights include the right to life, the right to personal security, the right not to be unfairly discriminated against and certainly the right to human dignity, equality, freedom from violence –whether from public or private sources – freedom of movement, not to be deprived arbitrarily of property, bodily and psychological integrity, access to health care, food, water and social security.

In line with the above, a survey conducted by (Charman and Piper, 2012), over 100 spaza shopkeepers in the city of Cape Town in Delft seeking to find out about their personal experience of crime and violence, has reported the experience of one Somali shopkeeper saying that “five days prior to this interview, a group of mixed coloured and black locals robbed the shop of cash, airtime and cigarettes. Four had knives and one held a gun to my head. They got away with R3000 (\$447) of cash, R900 (\$134) airtime and three cartons of cigarettes (Charman and Piper, 2012). The report says that the victim did not bother to report the incident to the police because he believes that “the police won’t investigate and doesn’t want to be disappointed”. The same finding

quotes another informant reporting that “I had experienced three robberies in the past nine months: first in October 2010, when ‘three black guys took R4000 in cash; a second time in February 2011, when two black men and one coloured man attacked the cashier, beat him and took his asylum papers as well as R8000 (\$1194) in cash; airtime and products; and the third in April 2011, when three black men and one coloured man stole R7 600 (\$1134) in cash and products” (Charman and Piper, 2012). The study says the victim reported to the police, but no arrests were made.

Another study conducted in Western Cape among foreign nationals from Burundi, Rwanda, Somalia, Sudan, Uganda and Zimbabwe, demonstrates that one participant’s workshop was destroyed, and the contents, including tools, were looted. Such vandalism and thefts resulted in a loss of livelihood: “*Whatever I worked for... went in the xenophobic violence. Because they looted everything, I had to calm myself. I lost a lot of things because of living in ... the camp*” Reported the participant (Vromans et al., 2011). In the same study, another participant described his sense of survivorship: “The loss of this amount of money is not the first thing I have seen in my life. I have seen greater losses than this. I’ve seen much ... bodily harm ... I had that kind of thing; it’s not new. That has trained me to be strong in my ways of handling things” (Vromans et al., 2011).

Again, informants in this study have provided at least a partial view of the experience of migrants seeking refuge during May 2008. Informants’ narratives revealed recurrent victimisation. The men interviewed described the May attacks as reflections of a long-standing, ongoing pattern of assaults occurring in a menacing context of chaos and rumour. According to the study, the interviewees recounted rapes of foreign women, attempted murders, fights, stabbings and strong-arm robberies (Vromans et al., 2011). Described victimisation across a period at least 7 years, one participant summarized, “We are disconnected. We are abused, verbally and physically, in trains and in buses and in taxis” (Vromans et al., 2011). The same study reports discrimination that resulted in the loss of jobs and other economic opportunities. For example, one man told about employers’ unwillingness to make accommodations to meet the travelling needs of displaced workers who were relocated to distant sites for their safety Vromans et al. (2011).

In South Africa, the culture of impunity is particularly pronounced regarding xenophobic violence. However, (Landau and Misago, 2009), have reported that foreign nationals have been repeatedly attacked in South Africa since 1994 but few perpetrators have been charged and fewer convicted. Thus, the reasons for the attacks differ, with some blaming the contestation for scarce resources, others attribute it to the country's violence past, inadequate service delivery and the influence of micropolitics in townships, involvement and complicity of local authority members in contractor conflicts for economic and political reasons, failure of early warning and prevention mechanisms regarding community-based violence; and also local residents claiming that *“foreigners took jobs opportunities away from local South Africans and they accept lower wages, foreigners do not participate in the struggle for better wages and working conditions”*. Other local South Africans claim that foreigners are criminals, and they should not have access to services and police protection. Foreigners are also blamed for their businesses that take away customers from local residents and the spread of diseases such as HIV/AIDS. Other South African locals do not particularly like the presence of refugees, asylum-seekers or foreigners in their communities Landau and Misago (2009).

Additionally, (Landau and Misago, 2009), go on stating that in some instances, state agents have actively protected those accused of anti-foreigner violence. For instance, before the May 2008 violence, some arrests were made at the different scenes of violence but most of them were released without charge due to community protests and mobilisation. The actual and perceived impunity with which perpetrators of xenophobic violence are seen to act can only continue to encourage the ill-intentioned to attack foreigners Landau and Misago (2009).

A study conducted by (Dodson, 2010), reports that *“the attacks of May 2008 were indeed xenophobic, that their causes lie in a complex economic, political, social, and cultural factors, it went on stating that both contemporary and historical ordinary experiences of xenophobia were part of the everyday lives of African immigrants in South Africa”*. In May 2008, graphic images of violent attacks on foreign Africans living in SA – scenes of the knife – and stick-wielding aggressors, wounded victims, burning houses, and even, in the most horrific photographs, a burning man – were seen around the world Dodson (2010). According to Igglesden et al. (2009), during two terrible weeks, citizens murdered more than 60 people, raped dozens, wounded close to



700, and displaced over a hundred thousand. In addition, Landau (2010), has demonstrated that, along the way, perpetrators destroyed or 'redistributed' millions of rands worth of goods and hundreds of foreign-owned houses. Landau (2010), reports that "most victims were from beyond South Africa's borders, but a third were South Africans who had married foreigners, refused to participate in the violent orgy, or had married tune to belong to groups that were evidently not South African enough".

Nonetheless, many South Africans' unrest with foreign nationals is based on an assumed link between the presence of foreigners and threats to their property and physical security. However, a study conducted by Crush and Williams (2003), has demonstrated that nationally, 41% of South Africans feel that foreigners are a criminal threat. In Johannesburg, the country's 'crime capital,' Leggett (2003: 45), reports that 63% of inner-city Johannesburg residents mentioned 'foreigners' as the group committing most of the crime in their area. Similarly, Landau and Jacobsen (2004), argues that "among 70% of Johannesburg residents who thought the crime had increased in recent years, almost three-quarters identified immigrants as a primary reason".

As with links between foreigners and South Africans' economic woes, political discourse regularly reflects assumptions of "foreign nationals" inherent criminality. In 1997, then Defence Minister, Joe Modise, remarked:

[A]s for crime, the army is helping the police get rid of crime and violence in the country. However, what can we do? We have one million illegal immigrants in our country who commit crimes and who are mistaken by some people for South African citizens. That is the real problem (cited in Human Rights Watch 1998:124).

Similarly, (Landau et al., 2005; Crush et al., 2008), reported the Johannesburg's Executive Mayor in 2004, who was quoted decrying the presence of "30 Nigerians on every street corner committing the crimes and undermining the city's safety and security"

These "illegal immigrants" have been blamed by senior government ministers and official for placing strain on state resources or engaging in criminal activity (Steinberg, 2008). The report goes on stating that while the Lindela Deportation Centre has seen numerous rights abuses against foreign nationals, there have been incidents of police

brutality and indiscriminate arrests of suspected foreigners in SA Dodson (2010). (Dodson, 2010), has also reported that the lives of foreign Africans living in South Africa are marked by discrimination, exclusion, and fear, regardless of whether they are new arrivals or long established; legally or illegally resident; economic migrants, asylum seekers or refugees.

The tragedy of the violence in South Africa was magnified by the fact that many of the victims had fled from violence and persecution in their countries of origin. Amid genocidal violations of human rights that had recently occurred in some countries in sub-Saharan Africa, the new South Africa stood as a beacon of democracy and respect for human dignity. With this openness in mind, many immigrants to South Africa sought safety and refuge from the conflicts in their homelands. More than 43,500 refugees and 227,000 asylum seekers now live in South Africa (Vromans et al., 2011).

In reference to Strain theory outlined in Chapter Two of this thesis, one of the unique but poignant features of the xenophobic violence in South Africa is that the perpetrators are similarly disadvantaged. The post-apartheid expectations of many people have not been realized (Vromans et al., 2011). At the time, several reasons for the anger are apparent: inadequate public services, the frequency of illegal immigration, competition for resources (including housing and health care). Competition for business and employment opportunities, perceived threats to relationships with local women, and bribery and other crime attributed to foreign nationals Vromans et al. (2011).

Although many people fled to South Africa in expectation of a safe and secure future, migrants from other African countries became the targets of blame for many South African's poverty.

Vromans et al. (2011), report that “the men whom we interviewed described the May attacks as reflections of long standing, ongoing pattern of assaults occurring in a menacing context of chaos and rumour”. The interviewees recounted rapes of foreign women, attempted murder, fights, stabbings, and strong-arm robberies. One participant reported the following “we are disconnected. We are abused, verbally and physically, in trains and in buses and in taxis”. According to Vromans et al. (2011), the abuse and happens in trains and in buses as well as in taxis.

Often occurring in multiple contexts, the material loss was a consequence for all victims interviewed in this study. Some participants described being robbed of money and

possessions. Others described the complete destruction of their businesses. One participant's workshop was destroyed, and the contents, including tools, were looted. Such vandalism and thefts resulted in a loss of livelihood.

Discrimination resulted in the loss of jobs and other economic opportunities. For example, Vromans et al. (2011), report that one man told about employer's unwillingness to make accommodations to meet the travelling needs of displaced workers who were relocated to distant sites for their safety.

In the same vein, a study conducted by (Crush and Tawodzera, 2017), in Cape Town and Johannesburg, among over 1000 migrant – owned informal sector enterprises by Zimbabwean informal business owners found out that most migrants did not start an informal business immediately on arrival in South Africa but first raised start-up capital through regular and casual employment. The selection of the location is the suggestion that Johannesburg is seen as a place where it is easier to obtain formal sector employment and Cape Town is a more amenable location for starting an informal business (Crush and Tawodzera, 2017).

In the same study, most respondents recounted incidents of violence that had personally affected them. To migrants, much of the violence occurs without warning and appears spontaneous. The study reports that the perpetrators of xenophobic violence are often from the same community and are even personally known to their victims. Nonetheless, the findings of the study confirm that community leaders are ineffective in dealing with the violence and, in some cases, they actively foment hostility and initiate attacks. The looting of stock on the premises is a constant feature of the attacks for which purpose was not simply to steal certain desirable goods but to destroy their business premises and operations so that they could not continue to operate and would go back to Zimbabwe Crush and Tawodzera (2017).

According to Crush and Tawodzera (2017), attacks often involve brutal physical assaults against the person, accompanied by insulting xenophobic language. The same study has reported housing to be a serious issue leading to housing insecurity among a group of Zimbabwean. According to Crush and Tawodzera (2017), many Zimbabwean migrants to South Africa do not have the financial means to afford accommodation outside informal settlements and do not have the resources to run a business elsewhere.

(Crush and Tawodzera, 2017), argues that xenophobic violence failed in its two main aims: to drive migrant entrepreneurs out of business and to drive them out of the country. Many respondents made reference to the fact that the crisis in Zimbabwe meant that there was nothing for them to return to, even if they wanted to return. However, South Africa's crisis of xenophobia in South Africa is defined by the daily discrimination and intolerance to which migrants are exposed.

Xenophobia manifests in "a broad spectrum of behaviours including discriminatory, stereotyping and dehumanizing remarks; discriminatory policies and practices by government and private officials such as exclusion from public services to which target groups are entitled; selective enforcement of by-laws by local authorities; assault and harassment by state agents particularly the police and immigration officials; as well as public threats and violence ... that often results in a massive loss of lives and livelihoods (Amit and Kriger, 2014).

SAMP'S national surveys have consistently found that a significant minority of South African citizens are willing to resort to violence to rid their communities of migrants (Betts, 2013). The deadliest examples of extreme xenophobia in South Africa were high-profile and widespread violence against migrants and refugees in May 2008 and March 2015.

Analyses of May 2008 tend to treat the victims of xenophobic violence in an undifferentiated fashion, leading to the assumption that all migrants – irrespective of national origin, legal status, length of time in the country and livelihood activity were equally at risk.

In the 2015 xenophobic attacks, informal businesses run by migrants and refugees were explicitly targeted. Extreme xenophobia increasingly manifests in the form of collective violence targeting migrant and refugee-owned businesses (Crush and Tawodzera, 2017).

Describing the profound response to the hostility and violence, the participants revealed emotional distress and fearful apprehension. Explicitly and implicitly exposing core elements of the self, the emotionally charged memories reflected the significance of the events. The men described a range of emotions, including depression, numbness, fear, distress, embarrassment, and humiliation as consequences of the attacks on African foreign nationals.

The dominant rationale of the xenophobia is that immigrant workers – mainly from the rest of Africa, but also some shop-owners from Pakistan, India, Bangladesh and China – are “stealing” jobs from South Africans. Nonetheless, young black men, who represent the majority of the unemployed are the major perpetrators of xenophobic violence. Partly this is because of inadequate grounding in school.

### **Migrant Entrepreneurship in South African Cities**

In response to constrained opportunities in the mainstream economy, many unauthorized immigrants turn to informal employment, despite the hardships they may experience as a result of the low wages and job instability that characterize this segment of the economy Ormsby (2017). Simply put, Doussard (2013), report the suggestion of the socioeconomic analysis of informality that less-skilled immigrants, and unauthorized immigrants in particular, often resort to employment in casualized segments of the economy where labour standards are routinely violated because avenues into the “mainstream” economy are closed. By extension, (Ormsby, 2017), concurs that unauthorized immigrants are often drawn into informal employment because the barriers to entry are low or non-existent, in particular, because, for all intents and purposes, government enforcement of labour standards does not meaningfully extend into these employment arrangements.

However, when enforcement efforts do target sites of informal employment, they typically do so through policing measures aimed at curtailing informal activities. For example, government authorities may periodically conduct sweeps of areas where street trading is common, or they may arrest or otherwise harass day labourers who stand in public spaces, but these enforcement actions tend to be episodic - and counterproductivity. As in 2012, the police in Limpopo launched an aggressive military-style campaign to apprehend criminals and tackle illicit activities in the province. In practice, this crusade, dubbed “Operation Hardstick”, target small informal businesses run by migrants and refugees. The police closed over 600 businesses, detained owners, confiscated their stocks, imposed fines for trading without permits, and showered them with verbal abuse (Supreme Court 2014). The business owners were informed that “foreigners” were not allowed to operate in South Africa, that their asylum-seeker and refugee permits did not entitle them to run a business, and that they

should leave the area. Thirty displaced migrants from Ethiopia were forced to flee when the house they had taken refuge in was fire-bombed.

Despite its label as a crime-fighting initiative, Operation Hardstick was selective enforced, affecting only migrant entrepreneurs and not South African businesses in the same locations (Crush and Chikanda, 2015). To that end, such initiatives merely heighten the economic insecurity of these workers while also criminalizing their employment activities and leaving the root causes of the spread of these income-generation strategies entirely unchanged Ormsby (2017) affecting their earning resulting in economic hardship.

Crush and Chikanda (2015), reports that international migrants are lauded for their enterprise, hard work and business acumen in successfully establishing and growing small enterprises in countries of settlement. Although these “unsung heroes face considerable economic and social challenges, they make a vital contribution to economic growth, job creation and social cohesion”.

According to Crush and Chikanda (2015), since the advent of democracy in South Africa in 1994, migrant entrepreneurs have been consistently portrayed by the government and the media as unwanted parasites, as driving South African small businesses to the wall, as taking jobs from citizens and as engaged in nefarious business practices. This perspective on migrants affected their economy leading to economic insecurity since they cannot be either employed by government institutions nor by private institution just because there are foreigners. The denial for migrants to conduct small businesses affect their human security as it hinders foreigners to improve their living conditions such as accessing to decent food, accessing to good health treatment, access to decent housing etc.

(Maqanda, 2012), point out that Asylum seekers and refugees from various countries are largely excluded from the formal labour market and show high levels of enterprise and innovation in the informal economy.

Attacks and looting of migrant-owned small business have become a daily occurrence up and down the country, most recently in Durban in March 2019. Organised police operations to try to eradicate informal enterprise are also commonplace. In addition, Police extortion has been on the report of migrants oppression Gastrow (2013). Crush

and Chikanda (2015), noted the recent press reports that police were coordinating the orderly looting of migrant-owned businesses in Soweto (City Press, 2025).

In terms of economic challenges confronting informal-sector entrepreneurs, a major issue is the lack of access to financial services including start-up capital and ongoing credit. (Crush and Chikanda, 2015), report that formal financial institutions are extremely reluctant to do business with migrant informal entrepreneurs. These entrepreneurs “have limited access to debt finance from commercial banks as they have problems in opening bank accounts and acquiring visas and permits. In addition, most of the foreigners have never applied for credit, despite that need for credit and may thus be classified as discouraged borrowers”Fatoki (2013).

In the study conducted in inner-city Johannesburg, (Crush and Chikanda, 2015), reported the finding of Fatoki (2014) arguing that less than third migrants had applied for credit and only a third of these were successful. They also report that many migrant entrepreneurs face constant belligerence and abuse, including written or verbal threats and insults, extortion for protection by local leaders, police and residents, public intimidation through protests or marches and damage to the physical structure of shops, especially through arson.

What is striking is the numerous cases of looting, the direct physical violence towards migrant store owners or their employees and the temporary or permanent forced displacement of migrant entrepreneurs and their families. According to Crush and Chikanda (2015), a recurrent theme throughout the volume is the extent to which migrant entrepreneurs experience violence and live in constant fear. South African business competitors, both individuals but increasingly organised in groups are identified by a number of authors as playing a role in animating or inciting collective violence against migrant entrepreneurs. In the same study, when asked to identify the factors that influenced day-to-day business operations, police corruption was the most cited factor making cross borders to be particularly vulnerable of extortion.

All in all, there is evidence that perceptions of direct competition between South African citizens and foreigners for jobs and housing may have been a catalyst of the periodic outbreaks of xenophobic violence that have occurred in South African cities (HSRC, 2008). Research by (Crush and Ramachandran, 2015b), found heightened levels of xenophobia among self-employed South Africans working in the informal

economy. This suggests that if South Africans who are informally employed perceive that foreigners are “stealing” their jobs or driving down wages, immigrants could face dramatically increased risks to their lives and livelihoods from these tensions and the outbreaks of collective violence they seem to have engendered (Ormsby, 2017).

### **Immigration, social Exclusion and Victimization**

Social exclusion is a complex and multi-dimensional process. It involves the lack of denial of resources, rights, goods and services, and the inability to participate in the normal relationship and activities, available to the majority of people in a society, whether in economic, social, cultural or political arenas. It affects both the quality of life of individuals and the equity and cohesion of society as a whole Levitas et al. (2007). Studying the political effects of xenophobic rhetoric on foreigners and their co-ethnics, Hopkins (2010), concur that the influx of immigrants has unsettled communities across the United States, leading many Americans to adopt exclusionary attitudes toward foreigners.

In the same way, examining homeless youth in Canada, (Gaetz, 2004), argues that their social exclusion is manifested in several domains: restricted public policies that reduce their capabilities to find suitable employment and then develop a healthy lifestyle, denial of entry to safe urban spaces, and limited social capital (Zhong et al., 2017). Under the influence of such multi-dimensional social exclusion, these youth are closer to more motivated offenders, become more available as vulnerable targets, and have less capable guardians, consequently increasing their risk of victimization as routine activity theory predicts Cohen and Felson (2016).

Similar explanations can be applied to international immigration. Prior research finds that international immigrants, who often face systematic exclusion from social development (Gore et al., 1995), are also more likely to be victimized. Following the segmented assimilation framework, scholars in the immigration field have identified several mechanisms contributing to the social exclusion of immigration that may lead to their high risk of criminal victimization Zhong et al. (2017). Indeed, (Zhong et al., 2017), report that over 90 years, Sutherland observed in 1924 that immigrants often underwent a slow process of acculturation and integration into mainstream local communities. However, the agency of immigrants and the interplay among individuals,



cultures, and structures may all affect the process of acculturation and integration, and there are different forms of adaptation among immigrants Zhong et al. (2017).

(Zhong et al., 2017), have reported that in the United States, some disadvantaged immigrants have very limited access to decent employment, sufficient social support networks, and secure communities. As a result, they may experience long-time exclusion, affecting their economic security, health and food security directly, since they are hindered to get access to employment and a decent job.

Some scholars emphasize discrimination against immigration or minority groups, making many of them unable to find satisfactory employment (Wacquant et al., 2008; Barranco and Shihadeh, 2015). Hence this type of exclusion from decent employment may increase immigrants' attraction to likely offenders and hence increase their likelihood of being victimized. For instance, previous studies have found that Latino immigrant in the United States often take low-skilled jobs due to their illegal status and insufficient knowledge; such jobs are likely to pay in cash and make these immigrants look like "walking ATM (Automated Teller Machine)," so that they are more likely to experience robbery and wage theft Fussell (2011).

Again, exclusion from sufficient social support networks in the receiving societies also contributes to the high level of victimisation among immigrants affecting their human security. This experience of exclusion by the social majority can push immigrants into risky routines and lifestyles affecting their safety and security within the host community. On this score, a recent study by (Sulkowski et al., 2014), found that immigrant youth in the United States were more likely to be victimized by physical aggression because of the prevalent anti-immigrant sentiment among their local peers. The study has reported that due to such nativism, many bystanders may not go out of their way to help immigrant victims. Thus, to some extent, the shortage of social support networks in a hostile society demonstrates the insufficient informal guardianship in the face of crime so that such immigrants are more likely to be victimized.

In reference to housing security, certain groups of immigrants are more likely to reside in poor ethnic enclaves with a concentrated disadvantage due to lack of financial resources and exclusive housing market or policies Andersson (2012).

However, following the classic work emerging from the Chicago School, people living in criminogenic communities may experience high levels of offending and

victimization. (Zhong et al., 2017), reported that in the United States, many immigrants come from less-developed nations, and they have historically been concentrated in ethnic enclaves with high turnover rates, much like immigrants in South Africa, they normally live in expensive big centres of the country costing them high priced rental housing for the fear that they cannot leave in townships overwhelmed by the majority of poor local citizens, fearing to be victimized as it has been the case during the xenophobic attack 2008, 2015 Cinini (2015).

A study conducted in China by Zhong et al. (2017), has revealed the elevated victimization risks among nationwide rural-to-urban migrants. The findings have demonstrated that the discriminative institutional arrangements in China are a major force of the universal disadvantages of Chinese migrants. That is, it is not the migrant status itself, but the social exclusion suffered by individuals that increase the likelihood of being criminally victimised affecting their human security and human rights. However, there is abundant literature examining the vulnerability of international immigrants in Western societies in terms of their high risk of criminal victimization. According to (Zhong et al., 2017), the high victimization rate experienced by immigrants is believed to be one of the consequences of the multidimensional social exclusion. Furthermore, in China, it has been found that Chinese rural – to urban migrants are one of the most disadvantaged social groups in contemporary China; these migrants have been regarded as foreigners and second-class citizens in their own country due to institutional discrimination and multidimensional social exclusion Zhong et al. (2017).

So too here, the South African constitution and the South African Refugees Act present ambitious standards for realising human rights and the dignity of all, including all migrants' groups. That said, in many cases, the government fails to provide services that live up to these standards for the general population. While recognizing that both migrants and South Africans face complex slew of challenges in accessing health services (e.g., long wait times, medication shortages), Hunter-Adams and Rother (2017a), state that language is a key obstacle to adequate medical care and health literacy. In a study conducted by Cinini (2015), on the experience of victimisation vulnerability of African foreign nationals in Durban, the findings have demonstrated that the majority (13/20) of respondents reported having been victimised because they cannot speak IsiZulu, the findings show that victimisation linked to language limitation

has been the cause factor of social disconnection as foreign nationals feel uncomfortable socializing and interacting with local citizens because they cannot speak their language and they are afraid of insults and being called names just because they cannot speak IsiZulu. Cinini (2015), concurs that victimisation due to language barrier happens in taxis, hospitals and at the Department of Home Affairs (DHA).

In the same study, it has been concluded that language is seen as one of the intimidating tools used by some local citizens to victimize a group of foreign nationals, but for those foreign nationals who can speak IsiZulu, they hardly got victimized. Hunter-Adams and Rother (2017a), observed that migrants in South Africa continue to be marginalized and subject to a broad range of discrimination such as violence against foreign-owned businesses as well as job discrimination. The experiences of exclusion are exacerbated by a lack of legal status, as well as minority status relative to South African population groups. But in the study conducted by (Cinini, 2015), it has been discovered that having a legal status is not a guarantee to secure a job in Durban. The findings have demonstrated some group of foreign nationals who have legal documentation but still facing discrimination in different governmental and private institutions not only for jobs but for other services meant to them as migrants.

## **Institutional xenophobia & Language barriers**

Xenophobia has become deeply institutionalized in post-apartheid society. Hostility towards migrants and refugees makes South Africa one of the most migrant-unfriendly countries in the world (Crush and Ramachandran, 2010). In May 2008, the country was rocked by violent attacks on the lives and property of Africans from other parts of the continent. Over 60 people died in the violence (mass killing) and over 100,000 migrants were hounded out of their homes and communities (Crush and Tawodzera, 2014). President Thabo Mbeki and other leading political figures blamed the violence on fringe criminal elements and denied that existed in South Africa. However, it has been reported that smaller-scale attacks on migrants and refugees have continued to plague South African communities since 2008 (Landau, 2011).

State officials (especially the police, home affairs officials, refugee determination officers and customs agents) do not leave their hostile attitudes at home when they come to work. There are the South Africans who have most face-to-face contact with foreign migrants and refugees and such interactions certainly do not appear to soften their attitudes (Crush and Tawodzera, 2014). Like ‘frontier guards’ everywhere, their mission is to keep out and remove people they believe should not be in the country in the first place. For one thing, Gordon (2015), reports that micro-politicians in the country’s townships and informal settlements are responding and adapting institutionalised xenophobia that particularly dehumanises foreigners from elsewhere on the continent. Police officers have been accused of negligence in protecting the rights of immigrants, particularly those from Africa. However, South Africa’s enforcement machinery has spawned a vast corruption industry in which state officials’ prey on migrants whose main ‘crime’ is to come to South Africa to escape persecution in their home countries or to look for ways of ensuring the survival of their families at home (Amit, 2010).

As former president Mbeki said, the act of violence perpetrated by some local citizens against African foreign nationals is a criminal act rather than xenophobia. This statement seems to be true because, during the xenophobic violence attacks, crimes are being committed. The killing of human beings can only be defined as criminal activities, hence should be treated accordingly. The criminal act of the murdering of African foreign nationals by some local and looting should not be considered as

xenophobia but rather criminal activities for which law should apply. Xenophobia as per its definition is nowhere considered in the South African constitution as a breach of the law, whereas crime is well defined to be any act which is against the law. Hence, the South African criminal justice should be held accountable for the mass killing of African foreign nationals, the looting, robbing of their belongings, arson and damage to their properties in the name of the so-called xenophobia.

### **Media representation of the official narrative about immigrants in South Africa**

The media play an important role in disseminating information about foreigners to the South African public and also offer a platform for the public to comment on foreigners through letters to the editor, talk, shows on television debates Harris (2001). Several research studies have shown how the media has uncritically reproduced xenophobic language and statements, time and time again. Crush (2008), admits that the media has certainly been complicit in encouraging xenophobic attitudes among the population.

Olukoju (2011), reveals that a South African government report indicated elements of the government and civil society for fanning the embers of xenophobia. First, the media perpetuate negative stereotypes about migrants and carried sensational stories linking them with crime, poverty and unemployment. Yet, they fail to give the migrants themselves a chance to counter such negative portrayals. Second, senior politicians, like their European and American counterparts, have been exploiting latent xenophobia to advance their political careers by making inflammatory statements about foreigners and migrants. Allusions are made to the citizens' unmerited disadvantage in competing with foreigners and migrants for the "scarce resources" of their own country. Third, police officers, strain themselves to link foreigners with crime. Though arrest figures do not corroborate such statements, they trumpet the popular but erroneous claim that "at least 60% of bank robberies and serious house robberies were perpetrated by Zimbabweans." Fourth, prejudice and stereotypes about foreigners were also informed by societal apathy towards and ignorance of the plight of refugees in and migrants to South Africa. This made innocent South Africans susceptible to manipulation by the media, police and politicians. Fifth, it was also alleged that the attacks were motivated by "a third hand" or fifth columnists, who sought to give the African National Congress government a bad name. Finally, the South African government too was blameworthy

in that it first denied the existence of xenophobia and then blamed the foreigners for not integrating with the local community.

Smith (2010), outlines the key points that the studies are in agreement about the majority of print media articles on immigrants: The media is

1. Anti-immigration, or at least make negative references to migrants and immigrants;
2. Of an un-analytical/simplistic approach, with little in-depth analysis;
3. Persistent in using certain labels when referring to migrants such as ‘illegal immigrants’, and
4. Perpetuate negative stereotypes about migrants using such terms as ‘job stealers’, ‘criminals’ and ‘illegals’.

Poole and Pogrebin, (1990), argue that many immigrants have had negative involvements with the ruling classes in their country of origin. These perceptions of authorities as oppressors may be transferred to officers in the United States in the absence of any direct familiarity with the ruling classes in this country Davis et al. (2001). Davis et al., (2001), state that “When they do have contact with police here, the contact may be perceived as negative because of misunderstandings arising from cultural or language differences”. Migrants may, however, avoid association with police because of concern about their migration status. Language difficulties and ignorance of criminal justice procedures also may restrict immigrants’ ability to report victimisation or become involved in criminal prosecutions.

## **Conclusion**

The experience of foreign nationals starts from their home countries where they undergo different types of treats provoking their decision to leave the country. For some, they fall under the hands of smugglers and others are trafficked. The literature has provided several reasons for the decision to leave their countries which in their nature are hostilities accompanied by numerous security challenges on their ways to the host communities. But this study focuses mostly on their experience upon arrival and during their stay in a host country. The public attitude toward migrants has been identified as the triggering factor of xenophobia, hence, the root causes of criminal violence against migrants. The killing of foreign nationals cannot be justified merely as xenophobia but rather crimes against humanity since these crimes are a breach of both

national and international legislation affecting the human rights of a particular group of people the “other” or the minority foreigners within a host society.

In a criminology perspective, the concept “xenophobia” is not relevant to explain the suffering experience of foreign nationals in a host country. Throughout the process of xenophobia, crimes such as murder, attempted murder, assault, physical beating, damage to property, theft, looting and many other criminal activities committed by local citizens against African foreign nationals have been noticed in the above literature, but what is missing is the reaction of governments in which it happens, mostly the reaction of the South African government in trying to curb this surge of atrocities against African foreign nationals in the country at large. To that end, the persistence of xenophobia in some specific geographic locations can be explained by the lack of deterrence measures due to the mere fact that actions or acts committed during the violent attacks are not considered as crimes but rather xenophobic excluding the criminal justice system to do its work.

There is a lack of national legislation and policies to address violent crimes against African foreign nationals, only because it is not considered to be crimes, but rather xenophobia. Unfortunately, most of the criminal justice system within some countries are also xenophobic in reference to the institutional xenophobia whereby cases of foreigners have been dismissed for the mere fact that one party is not a local on the privilege of the local. This brings us to the serious need of a foreign-led criminal justice in conjunction with the hosting government in which cases involving foreigners will be dealt with by expert lawyers in migration matters. There is a need to understand how victims of the violent attacks cope with the situation of insecurity they encounter in their daily lives, for their safety and security. The following chapter outlines the methodology adopted in the execution of this study to attain that understanding.





## **CHAPTER FOUR**

### **RESEARCH METHODS AND METHODOLOGY**

#### **Introduction**

Our current ‘knowledge’ about crime, harm and punishment come from a number of different sources, but one of the most significant is criminological research Davies and Francis (2018). But how is the knowledge generated and what are the underlying assumptions that shape the questions and findings of such research? This chapter is about the research methods that were used to conduct this research.

The study purpose was to conduct a criminological analysis of the safety and security of African foreign nationals living in the city of Durban. The research addressed three questions: (a) to which extent do African foreign nationals experience threats on their safety and security in the city of Durban? (b) what pressing issues threaten the safety and security of African foreign nationals?; (C) what should be done to ensure their safety and security? The aim is to inform the efforts of stakeholders such as the government, NGOs, and Civil society activists to develop interventions aimed at promoting social integration and social cohesion.

This chapter outlines the study’s research methodology and comprises discussions around the following areas: “(a) Research design, (b) Project area, (c) The research sample, (d) Data collection methods, (e) Interview process, (f) Analysing the data, (g) Ethical considerations, (h) Limitations of the study”.

#### **Research Design**

This research employed a qualitative approach. According to Given (2008), qualitative research is designed to explore the human elements of a given topic, where specific methods are used to examine how individuals see and experience the world. According to (Padgett, 2016), qualitative studies seek to represent the complex worlds of respondents in a holistic, on-the-ground manner. It emphasizes subjective meanings and questions the existence of a single objective reality. Furthermore, it assumes dynamism, a state of flux that can only be captured via intensive engagement Padgett (2016).

(Baumgartner et al., 1995), notes that the use of a qualitative method facilitates a more in-depth understanding of factors that would be difficult to get in a quantitative survey alone. Subjective factors such as opinion, attitude, personality, emotion, motivation,

interest, personal problems, mood, drive and frustration are relatively more complex, and hence more difficult to capture quantitatively than variables that can be empirically verified. To justify clearly the choice of the qualitative approach in reference to the objectives of this research, the researcher considered the view that qualitative approaches are typically used to explore new phenomena and to capture individuals' thoughts, feelings, or interpretations of meaning and process Given (2008). Denzin (2008: 4), states that qualitative researchers study things in their natural settings, attempting to make sense of, or interpret, phenomena in terms of the meanings people bring to them.

### **Project Area**

The data collection for this research was conducted in the city of Durban, province of KwaZulu-Natal (KZN). The "Main Place Durban", Census 2011, demonstrate that "Durban is the largest city in the South African province of KZN. It is also the second most important manufacturing hub in South Africa after Johannesburg". It forms part of the eThekweni metropolitan municipality. According to the "Main Place Durban", Census 2011, the city of Durban has a total population of five hundred ninety-five thousand sixty-one. However, the presence of foreign nationals in Durban can be explained by the economic activities that take place in the metropolitan city of the eThekweni municipality including the informal settlement opportunities from previous generations. Unfortunately, the number of foreign nationals living in Durban is unknown. Crush and Williams (2005), argued that "the exact number of non-citizens in South Africa is unknown. This is primarily because the country is host to a large, unremunerated undocumented population". McDonald et al. (1999), state that this is also attributed to the continuous flow of undocumented immigrants into the country and the lack of reliable methodology to verify the numbers.

(Bouillon, 2002) notes that Durban attracts wealthy investors, immigrants hoping to find work as well as many refugees who have left horrific situations in their home countries. In the CBD, it has been demonstrated that foreign nationals from various geographic locations reside in Albert Park. The inner city is situated in the south-east of the Durban CBD, the area takes its names from the adjoining large public park. It is primarily a residential area characterized by medium and high-rise flats, with small formal and informal businesses operating at pavement levels" Bouillon (2002).

(Bouillon, 2002), also found that different nationalities congregate in specific areas in the CBD. For example, opposite the West Street cemetery is Abyssinian Lodge that predominantly provides accommodation to Ethiopians and within this area, in West Street, there are Ethiopian restaurants and takeaways - some are relocated in Albert Park. Pakistani and Indians immigrants find accommodation in the Grey Street area, while the Point Road area is reputed to 'belong' to the Nigerians. Nigerians, particularly in relation to the Point area are seen as excellent entrepreneurs, although more often than not stereotyped as drug dealers, and organizing sex work in the area" Bouillon (2002). The areas of data collection included Faith Ministries Church, Durban Mission Church, and some Ethiopian and Somali Shops in the city where we find some Congolese and Nigerians, and many other foreigners.

### **The Research Sample**

A total of 50 respondents were selected to participate in the study. The participants were African foreign nationals representing sixteen (16) African countries who are living in Durban South Africa. However, even though the selection of participants did not consider gender relations, throughout the field work, the females that the researcher approached for interviews did not show interest in being part of this research. Only five females gave their consents to participate in the research together with 45 males. Simply put, (Ritchie et al., 2003: 4), argues that "qualitative samples for a single study involving individual interviews only often lie under 50. If they become much larger than 50 they start to become difficult to manage in terms of the quality of data collection and analysis that can be achieved" Ritchie et al. (2003).

According to Patton (1990), "in qualitative research, selection of research sample is purposeful", which according to (Merriam, 1998), is sometimes referred to as "purposive sampling". Hence, participants in this study were purposefully selected from their churches, shops, and work sites. For ethical purposes, only documented foreign nationals from African countries were part of this study. Participants with asylum seeker permits, refugee status and those with work permits were consulted for interviews. Participants were from 19 years old and above. Because the experiences differ, the length of stay in the city mattered as well, therefore, participants who had been in Durban for more than 2 years were considered for this research. Anyone less than 2 years of stay in Durban was excluded from the research.

During fieldwork, sites where the researcher could find participants were identified and visited. The Durban central workshop was the main fieldwork sites, Eshowe and different churches in the city of Durban were visited. Once at the site, the researcher was identifying and approaching foreigner individuals by trying to find out about their availability to participate in the study knowing that participants must be busy either dealing with customers or working. Once consent to participate in the study was obtained, some participants were ready at the same time, others were giving the rendezvous for the interview to take place, and this was followed by the researcher.

In fact, a qualitative survey-based research design was used to identify the various meanings underlying the participants' perceptions of xenophobia and the causes ascribed to the phenomenon. This approach allowed for in-depth thematic content analysis, revealing more detailed descriptions and a deeper understanding of xenophobia in South Africa.

### **Data Collection Methods**

Data collection was based on semi-structured interviews. These were conducted individually, and a person-centred approach was used to ensure that participants received respect and support as well as flexible individualised service to enable them to talk about their experiences without fear and anxiety. Nevertheless, since this study intended to interview African foreign nationals, it was difficult to conduct a focus group due to regrouping problem, that is to say, participants from this study are from various countries, and their accessibility is not easy. Gathering people from different countries that have experienced xenophobia or threats on their safety and security is not easy. Hence, individual interviews were conducted using purposive sampling among 50 African foreign national participants.

Semi-structured interviews were constructed in such a manner that more neutral social demographic information was requested at the onset of the interview and more sensitive questions, once the research participant felt more at ease and comfortable in the presence of the researcher. The interview session started with less sensitive questions in order to facilitate the conversation between the interviewer and the interviewee by creating an "informal, friendly atmosphere that facilitated a natural flow of ideas and opinions". The more social demographic data capturing was then followed by more in-depth sensitive probing.

The advantage of a semi-structured interview technique is that it allows informants to freely express their views in their own terms. Participants in this research were given the opportunity to express themselves in their own word about their experiences of victimisation. Semi-structured interviews can also provide reliable, comparable qualitative data (Crabtree and Cohen, 2006). Respondents can influence the topic so unexpected themes emerge as there is more depth of information, allowing the researcher to probe to understand participants' perspectives and experiences.

Additionally, because the order of questions is not fixed, the topic guide ensures that a core list of questions is asked in each interview, thus, flow and sharing of views are more natural. The weaknesses of semi-structured interviews are that trained interviewers are needed to probe without being directive or judgmental; analysis of findings is difficult - must be done by people who did the interviews; researcher has to avoid bias in analysis; researcher needs to know something of the local culture to capture the interviewees real meaning; analysis is time-consuming; difficult to generalize findings. The interviews were conducted by the researcher who is trained and aware of these weaknesses and took them into consideration when doing data analysis by providing what participants had given as experiences. It should be noted that the principal researcher is also an African foreign national who is aware of the ongoing social issues facing foreigners in the country at large. Therefore, when conducting this study, the researcher took into consideration the research ethics in order to conduct an unbiased analysis which then generated the final results for this study.

During data collection, the researcher used English, but sometimes the researcher used French for participants who could not express well in English. For ethical reasons, only African foreign nationals living legally in the city were interviewed. These are those with refugee status, asylum seekers holding temporary permits, and economic migrants with work permits.

### ***Interview Process***

Interviews can be defined as a method of data collection, information or opinion gathering that specifically involves asking a series of questions (Davies and Francis, 2018). Usually associated with qualitative methodology, semi-structured or unstructured interviews are used to gain in-depth, 'rich' data about a particular social phenomenon (2006: 677). Pierre and Roulston note that "qualitative research methods

encourage richer, a thicker description that might yield a true representation of authentic, real, lived experience” (Adams St Pierre and Roulston, 2006).

The interviews were done between March and July 2018, depending on the availability of the participant. Interview appointments were set up either face-to-face or over the phone. During the interview process, a face-to-face semi-structured interview was used in order to find out about participant’s experiences in context and the meanings these hold Davies and Francis (2018). Interviews were conducted using a number of open-ended questions that allowed interviewees to dictate how the interview progresses. Often the interviewer used throughout the interview process probes to encourage further information from the interviewee. Davies and Francis (2018), state that the purpose of the interview is to gain in-depth data, placing the interviewee at the heart of the research and inductively glean information in a natural setting.

However, on the arranged date, the researcher always started by explaining the rationale of the study to participants (see Appendix B). Then verbal consent for participating in the study and allowing the use of the recorder was sought (see Appendices C & D). The duration of the interview was between 45 and 60 minutes. The researcher used interview schedule to conduct semi-structured interviews (see Appendix A) and followed questions in their order. Questions were open-ended and time was given to participants to gather their thoughts.

The open-ended responses helped the researcher to understand the respondents’ experience and meaning of suffering through their own narratives or viewpoints. Some questions were sensitive but there was no harm manifested by the respondents, meaning all questions were answered well. A total of 50 participants regardless of their gender were met. A semi-structured interview was conducted in an emphatic and ethically sound way. All the 50 participants were able to give their opinions on their experiences of victimisation in the city of Durban. Once completed, each interview was transcribed and sent to the supervisor for comments. An appointment was set with the supervisor for a discussion based on the interview material. Such discussions were constructive as they led to generating major themes which formed the core of the findings presented in the next chapter.

## **Analysing the Data**

A thematic data analysis technique was used to analyse the data retrieved from the fifty interviews following (Braun and Clarke, 2006: 15), thematic analysis. Thematic analysis is a “rigorous and inductive set of procedures designed to identify and examine themes from textual data in a way that is transparent and credible” Guest et al. (2011). Following the thematic analysis procedure, after translating the interviews, the data was prepared, coded and categorised, themes were created, refined and finalised. The thematic analysis was used to make sense of the data and provide relevant themes that speak to the research questions and objectives of the study.

The following phases identified by (Braun and Clarke, 2006), guided the data analysis process: (1) active and repeated reading of transcribed data in order to familiarise the researcher with the information; (2) Initial codes were generated from the data but also relevant data were collated to each code; (3) different codes were organised into potential themes, and coded relevant collected data was extracted within the identified themes; (4) reviewing and refining each theme to determine whether themes form a coherent pattern and accurately reflects the data; (5) defining and discussing each theme in detail, (6) selecting and analysing extract examples from the data and relating back to the research questions and literature review. The importance of using thematic analysis in this research is that it offers an accessible and theoretically flexible approach to analysing qualitative data Braun and Clarke (2006).

The first acquaintance with data was adopted through transcription and interpretation of the interviews. The audio recordings of the 50 participants were listened to a number of times for their accurate translation and transcription. All the 50 interviews were directly translated verbatim into English, by the researcher. However, to increase transparency of the data analysis process and the credibility of the findings, the data analysis process was done through the following stages: data cleaning, uploading the data into NVivo 11, reorganizing the data, conducting data exploration, coding relevant information in the data, generating themes to address the research questions.

After collecting data through semi-structured interviews, data was transcribed and managed in a qualitative way. Following was the coding process which according to Stuckey (2015), is the process of organising and sorting qualitative data as the second

step in data analysis. The transcripts were imported into the NVivo 11 Pro were coded. The researcher created the analysis of data in two ways to begin to generate codes. The purpose was to look at transcripts from two perspectives. In the beginning, the coding process was guided by the conceptual framework of the study. When satisfied that the codes generated from five of the transcripts were aligned with the research questions examining the above-mentioned concepts and therefore fit for the purpose, the data-driven coding followed with a focus on identifying patterns of meaning. Working through the data, more nodes and sub-nodes were developed coordinatizing the perspectives of the participants.

Stuckey (2015), posits that codes are usually used to retrieve and categorize data that are similar in meaning so that the researcher can quickly find and cluster the segments that relate to one another. Due to the size of the dataset, the coding process took 2 weeks. Although sophisticated qualitative data analysis and research software such as NVivo 11 Pro was used in this research, the general process of reading and coding the data remained much the same. The first step was reading and knowing the data before the researcher started coding. (Stuckey, 2015: 93), points out that the process of coding breaks the data into parts so that the data are manageable, with the results of rebuilding the data to tell a storyline.

To ensure credibility, accuracy and transparency, the researcher involved two qualitative data analysis experts in the coding process because “these kinds of checks are sometimes seen as indicators of trustworthiness of the coding process, and they contribute to the validity of the conclusions drawn from the codes” (Bazeley and Jackson, 2013; Guest et al., 2011). Although there might still have some elements of subjectivity in the coding process, coding collaboratively aids in considerably reducing the subjectivity bias in qualitative data analysis because it provides diverse standpoints in interpreting the data (Saldaña, 2009). Moreover, for more accuracy and more depth in the data analysis, NVivo version 11 Pro was used.

After the coding process, the third stage was the theme development. At this stage, coded nodes on NVivo were read and reread to identify significant broader patterns of meaning (potential themes). The preliminary analysis came up with 9 main categories with their subcategories which were later collapsed to 4 main categories. According to Denzin (2008), the software program helps to organise your data, but it does not code



it. Denzin (2008: 565), warns that it is important that using software cannot be a substitute for learning data analysis methods because the researcher must know how to create codes and analyse the data. (Given, 2008), states that “NVivo does not analyse data for the researcher, but rather, it is a management tool enabling greater depth in analysis and facilitating the searching of large quantities of transcript data so that the researcher can make considered judgements”.

### **Ethical Considerations**

Ethical concerns are at the heart of social research and are the key principles which inform, and shape, research practice (Davies and Francis, 2018). Being aware of ethical issues in criminological research was critically important and essential as it helps to prevent participants from harm. Thus, the researcher complied with the ethical requirements on voluntary participation, confidentiality, and non-maleficence. Full Ethical approval of the research was obtained from the University of KwaZulu-Natal HREC (protocols HSS/2063/017M). This allowed the study to be carried on the fieldwork and to achieve its aims.

Stressing the vulnerable character of participants in this study, the researcher was particularly concerned about the ethical issues by being sensitive to participants' experiences and avoiding judging them in the way they presented their stories (Eastmond, 2007). The study was essentially based on the safety and security experiences' narratives with each participant involved. Before starting the interview, an information sheet explaining the purpose of the research was presented to each participant (Appendix B), who then signed the information sheet as an agreement to participate in the study. Verbal consent to participate and verbal consent for recording the interview was sought from each participant. To prevent the risk of injuring participants physically, morally and emotionally, vigilant attention was paid to the planning of interviews design Babbie (2006).

The principles of privacy, confidentiality and anonymity were strictly respected. For instance, respondents were guaranteed that their identities will not be revealed to anybody. Anonymity has been reflected in the reporting of findings where the researcher uses the term “participant”. However, due to the sensitivity of this research, the researcher assured respondents that their information will be confident and anonymous. The purpose of this study was communicated to respondents, but they were

also informed that participating in this research was not compulsory, so they were allowed to withdraw at any time from the research if they felt uncomfortable about answering the questions during the interview process. It can be noted that no participants withdrew from the interview process, all 50 respondents participated fully and provided the information they could.

During the fieldwork, potential problems were raised (social, physical or affection) and some participants asked questions related to their living condition in the Durban as a way of improving their socio-economic status. Respondents presenting emotional, psychological distress were referred to relevant service providers for therapeutic interventions. For this purpose, the researcher had a list of referrals to free psycho-social support services that could be offered to all participants needing them. The English language was used throughout the interview process but for participants from the same country as the researcher (DR-Congo), there were instances where we could speak French during the interview process. So, even though questions were asked in English, some participants were at ease responding in French so that they can express freely their lived experiences. This made it easier for the project to go smoothly because participants were able to choose the language with which they felt free to express their views. Even though some participants responded in French, the researcher was able to transcribe all interviews in English, since English is the only required language to report the findings.

### **Limitations of the study**

During the fieldwork, the study was faced with some challenges that need to be mentioned here. Participants in this study are not easily identified in groups, but also each one lives his/her life differently from someone else. Although participants in this study shared the similar characteristics of their experiences of threats on their safety and security, it was not easy to gather them into groups to conduct a focus group interviews due to each one's lifestyle/routine activity. Even though there were limitations in this research, these did not affect the main aim of this research adversely. Some techniques were used to mitigate these limitations. For instance, if the participant becomes emotional during the interview process, the researcher used to stop and reschedule the interview.

Also, as social sciences deal with human beings who express feelings and emotions, it was not easy to raise sensitive violent issues. Some people were reluctant to disclose themselves. Others, especially women, did not contain their feelings and emotions after recalling painful events in cases such as physical assault and persecution. This often stopped the interviews and obliged the researcher to seek verbal consent in order to continue. However, this was not really a major problem. Some participants were relatively reluctant or too emotionally affected to narrate the different episodes of the dramatic events of their lives in the city of Durban. Furthermore, struggling on a daily basis and facing socio-economic hardship in their dire living conditions in the city of Durban, some participants saw the study as focusing sharply on their various overwhelming political problems. Nevertheless, all participants were interested in contributing to the study and no one raised the issue of being paid as a condition for taking part in the study.

## **Conclusion**

This chapter has described in detail the different steps used in the data collection process. Various points, such as research design, choice of participants, interview running, and data analysis encountered challenges (limitations of the study) and ethical issues were discussed. The researcher acquired approval from the HREC to proceed with the research, after the proposal defence. Nonetheless, outlining all procedures and processes needed was part of the HREC processes, to ensure adherence to standards put for the study of human subjects, including participants' confidentiality and informed consent. Face to face, individually contacts were made with potential research participants, but also the appointment was made with those who agreed to participate in the study, depending on their availability. Semi-structured, in-depth interviews were conducted with 50 African foreign nationals. Interviews were conducted on an individual basis only. Among the 50 participants, all 50 participants responded to the questions and none withdrew from the study during the interview process.

The next chapter presents and analyses the findings obtained through respondents' interviews described in the foregoing.

**CHAPTER FIVE**  
**RESEARCH FINDINGS: SAFETY AND SECURITY OF AFRICAN**  
**FOREIGN NATIONALS IN DURBAN SOUTH AFRICA**

**Introduction**

This report presents the findings on a criminological analysis on the safety and security of African foreign nationals in Durban South Africa. This chapter evaluates the significance of the data in relation to the study's research questions, objectives, literature and the conceptual models used to frame the enquiry. The analysis has three main objectives: to assess the extent to which African foreign nationals experience threats on their safety and security in Durban South Africa, to describe the factors which threaten the safety and security of African foreign nationals in the city of Durban and finally to draw conclusions on what should be done to ensure their safety and security.

**Profile of the Participants**

A total number of fifty participants contributed to the research study. All the fifty participants were Black Africans from sixteen African countries. These include five participants from the Republic of Congo, two are from Kenya, three from Burundi, three from Eretria, five from DRC, seven from Nigeria, seven from Zimbabwe, one from Mozambique, two from Zambia, one from Ethiopia, one from Ethiopia, four from Malawi, six from Senegal, one from Cameroon, one from Uganda, three from Ghana and one from Rwanda. Out of the fifty participants, five were females and forty-five were males. It is interesting to note that out of the fifty participants who took part in the research study, thirty-seven were Entrepreneurs, two were teachers, four were in the private sectors, one waitress, one cashier, one student, one does "piece jobs" and one was jobless. The number of years participants spent in South Africa ranged between two years and twenty-five years. Finally, the youngest participant is aged twenty-four years and the oldest is 50 years.

The table below (Table 1) summarises the demographic information of the African foreign nationals residing in Durban, South Africa who took part in the research study. The table shows the demographic data according to their, Age, gender, industry, country of origin, race and number of years spent in South Africa.

**Table 5.1 Demographic profile of participants**

Participants	Gender	Age (Years)	Industry	Nationality	Race	Number of years in S. A
Participant 1	Male	35	Entrepreneur	Congo	Black	20
Participant 2	Male	32	Entrepreneur	Kenya	Black	15
Participant 3	Male	30	entrepreneur	Burundi	Black	16
Participant 4	Male	30	Academic tutor	Eritrea	Black	5
Participant 5	Male	40	Entrepreneur	DRC	Black	17
Participant 6	Male	37	Entrepreneur	Nigeria	Black	7
Participant 7	Male	40	Entrepreneur	Congo	Black	13
Participant 8	Female	43	Waitress	Zimbabwe	Black	19
Participant 9	Male	40	Manufacturer	Zimbabwe	Black	3
Participant 10	Male	35	Entrepreneur	DRC	Black	10
Participant 11	Male	40	Entrepreneur	Congo	Black	13
Participant 12	Female	43	Waitress	Zimbabwe	Black	13
Participant 13	Male	40	Manufacturer	Zimbabwe	Black	3
Participant 14	Male	29	Piece jobs	Nigeria	Black	2
Participant 15	Male	35	Entrepreneur	Rwanda	Black	8
Participant 16	Male	32	Entrepreneur	Nigeria	Black	2
Participant 17	Male	42	Piece jobs	Mozambique	Black	13
Participant 18	Male	34	Entrepreneur	Eritrea	Black	2
Participant 19	Male	36	Entrepreneur	Malawi	Black	12
Participant 20	Male	40	Entrepreneur	Congo	Black	10
Participant 21	Male	36	Jobless	Zambia	Black	11
Participant 22	Female	32	Entrepreneur	Congo	Black	10
Participant 23	Male	30	Entrepreneur	Zimbabwe	Black	7
Participant 24	Male	40	Teacher	Eritrea	Black	15
Participant 25	Male	34	Entrepreneur	Ethiopia	Black	6
Participant 26	Male	33	Entrepreneur	Malawi	Black	3
Participant 27	Male	46	Employed	Zimbabwe	Black	9

Participant 28	Male	25	Entrepreneur	Burundi	Black	6
Participant 29	Male	37	Entrepreneur	Malawi	Black	15
Participant 30	Male	34	Entrepreneur	Nigeria	Black	10
Participant 31	Male	24	Entrepreneur	Senegal	Black	3
Participant 32	Male	35	Entrepreneur	Cameroon	Black	25
Participant 33	Male	35	Entrepreneur	DRC	Black	11
Participant 34	Male	43	Entrepreneur	Burundi	Black	16
Participant 35	Male	41	Entrepreneur	Senegal	Black	20
Participant 36	Male	42	Entrepreneur	Ghana	Black	17
Participant 37	Male	40	Employed	Kenya	Black	17
Participant 38	Male	42	Entrepreneur	Senegal	Black	8
Participant 39	Male	46	Entrepreneur	Senegal	Black	21
Participant 40	Male	40	Entrepreneur	Nigeria	Black	7
Participant 41	Female	35	Cashier	Zambia	Black	14
Participant 42	Male	40	Employed	DRC	Black	30
Participant 43	Female	35	Entrepreneur	Zimbabwe	Black	10
Participant 44	Male	40	Entrepreneur	Nigeria	Black	7
Participant 45	Male	44	Entrepreneur	Senegal	Black	20
Participant 46	Male	37	Entrepreneur	DRC	Black	14
Participant 47	Male	41	Entrepreneur	Malawi	Black	17
Participant 48	Male	34	Entrepreneur	Uganda	Black	10
Participant 49	Male	45	Entrepreneur	Ghana	Black	9
Participant 50	Male	50	Teacher	Ghana	Black	8

### *Age*

In terms of age, the participants were aged between 24 and 50 years. According to the mean and the median, on average the respondents in this study are 37 years old with the youngest being 24 and the oldest is 50 years old.

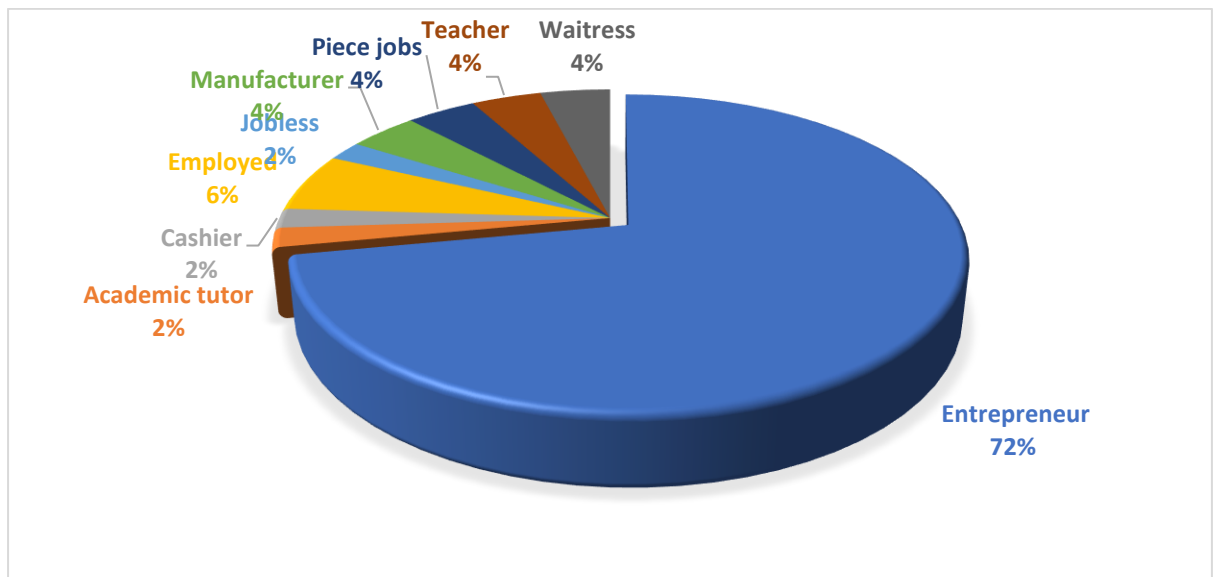
### *Gender*

The majority of participants are male (90%; n= 45) showing that very few females participated in this study. The designing of research did not take into account the issue of gender imbalance in this study, the selection process depended on the availability of the participants, and most foreign women approached for interviews said were not available to participate due to their tight schedule, hence the low number of women participants.

### *Employment status and industry*

As shown on the table, most African foreign national in the city of Durban who took part in this study are self-employed (entrepreneur) (n=33; 72%). This might mean that the narrative around the idea that foreign nationals steal South African jobs may not be true. In this small convenience sample of 50, more than 72% are entrepreneurs (self-employees).

**Figure. 5.1 Employment status and industry of participants.**



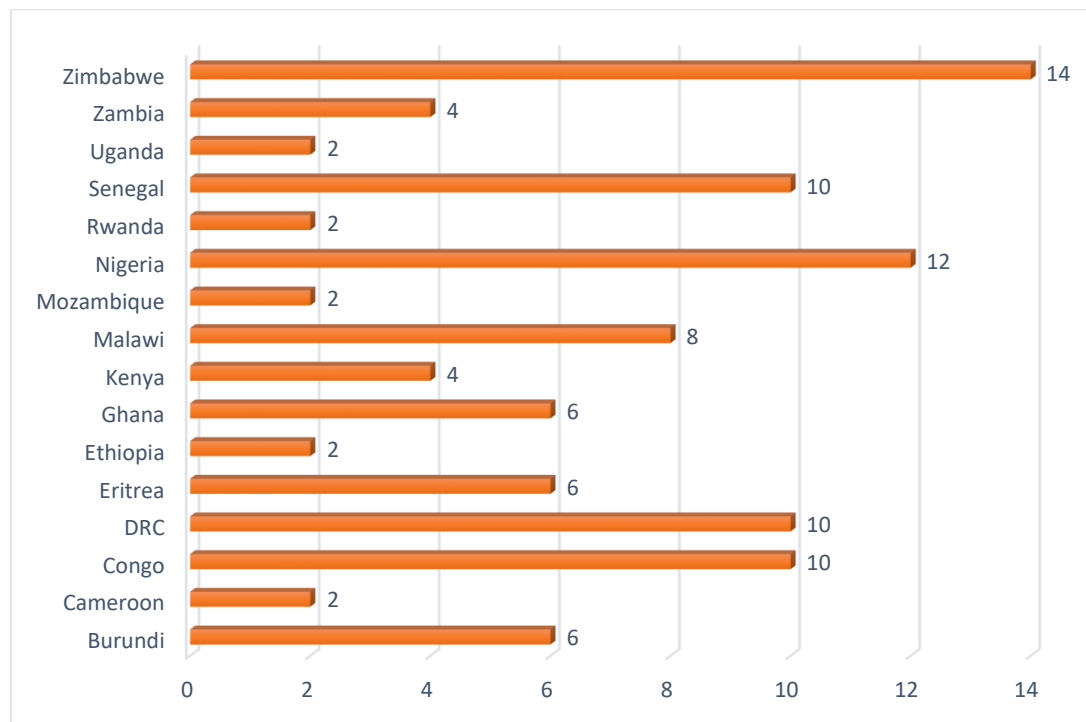
This study shows a large number of African foreign nationals to be entrepreneurs, meaning that they are in informal sectors mostly as self-employees. Those who are employed have casual jobs with no guarantee that their jobs will last for long.

### *Country of origin*

A total of 16 nationalities from African countries were represented in this data set. The most represented African countries in this sample are Zimbabwe (14%) and Nigeria

(12%). The table and graph below provide more details about the distribution of nationalities across participants. The number of participant per country depended on the availability and the willingness of the participant to provide information for the study. But it can be confirmed that the country of origin counted during fieldwork since the target population was African foreigners living in Durban. The researcher ensured to reach a representative majority of African countries found in Durban South African.

**Figure 5.2 Country of origin**

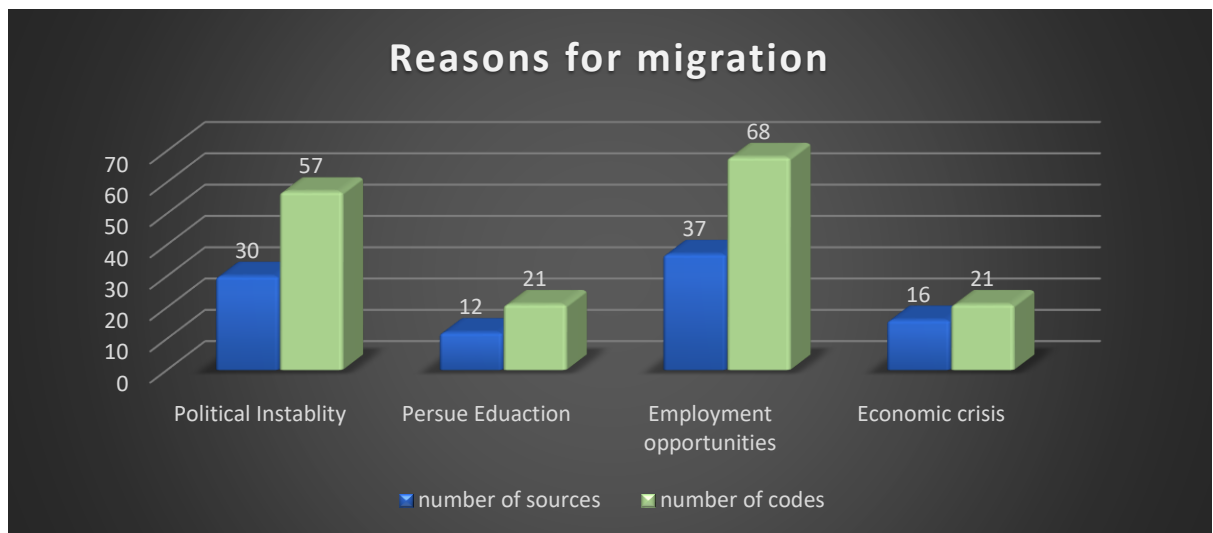
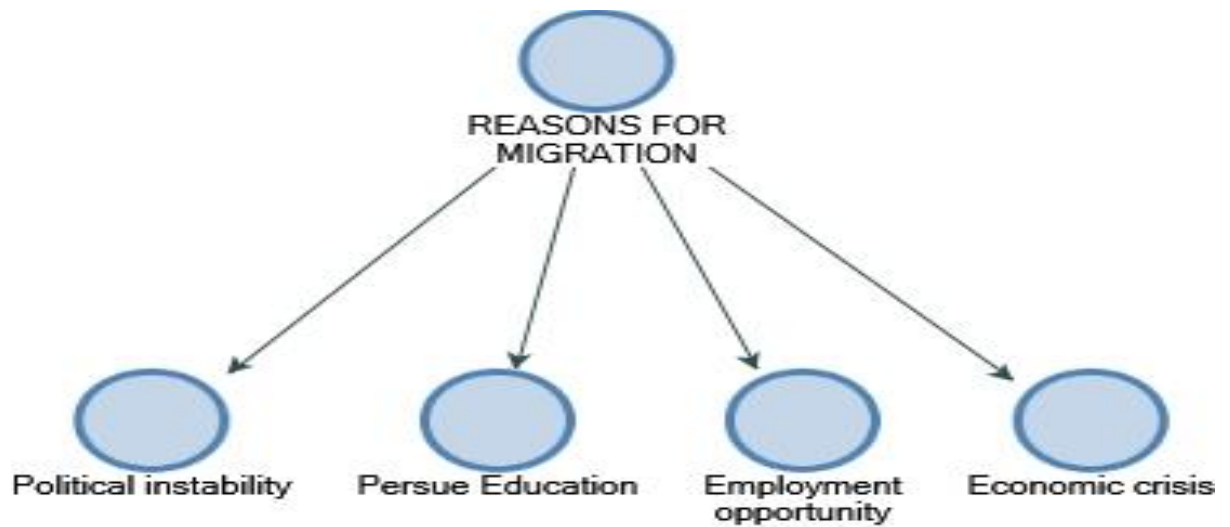


***Reasons for Migration***

From the information provided by the participants, some of the participants reported disturbing and gravely alarming reasons for leaving their home countries and these factors ranges from poverty and its related socioeconomic hardships to strong oppression, wars and violence. Participants also highlighted that migration is not usually a choice but rather the only available option for survival. From the data analysis process, participants mentioned political instability, economic crisis, unemployment, pursue education as some of the mentioned reasons that lead African foreign nationals to leave their country and migrate to their host countries. From the data extracted from the participants, political instability was the major drive for migration in most African countries.



**Figure 5.3 Reasons for Migration**



Participant 15 from Rwanda indicated that

What motivated me to leave my country, not like in the first place I felt that my life was under threat with some issues related to human rights and politics, economic crisis. Due to political uncertainty, social and economic uncertainty, the country was not stable socially and economically, so I was forced to leave the country due to certain uprising.

Reinforcing the above statement, participant 1 went on to say,

Well leaving the country in 1990; after the 1994 genocide in Rwanda the region was destabilised by insecurity and by the flow of refugees which included criminals which affected the area in the Congo and after there were liberation

wars and as a young man I thought it will be a long journey and as a young man and I wanted a place I could pursue my studies, live and dream as a young man. That's where the journey started. I didn't come directly to South Africa I went to Kenya and from Kenya to South Africa.

Another Participant (46) from DR-Congo revealed that he left the country because of insecurity and War

You know the security challenges that affected us since 1996 when the first war broke out these are the main driving forces that have forced me to go out of my country, political stability, ongoing conflict, corruption, economic mismanagement these are some of the things that have driven me out of my country.

It is clear to note that most of the participants admitted migrating due to political instabilities in their country of origin as some even stated that they could not face political oppressions that were existing in their countries.

However, some participants earnestly migrated as a way of pursuing their education and establishing their careers. "I wanted a place where I could pursue my studies, live and dream as a young man". Reinforcing the above contention, Participant 2 from Kenya noted that:

The moment I completed my college courses in my country I started immediately to look for a job and when I realised that getting a job was difficult, I started looking elsewhere and I came across a friend of mine that was in South Africa and he assured me that if I was to travel to South Africa opportunities would be found.

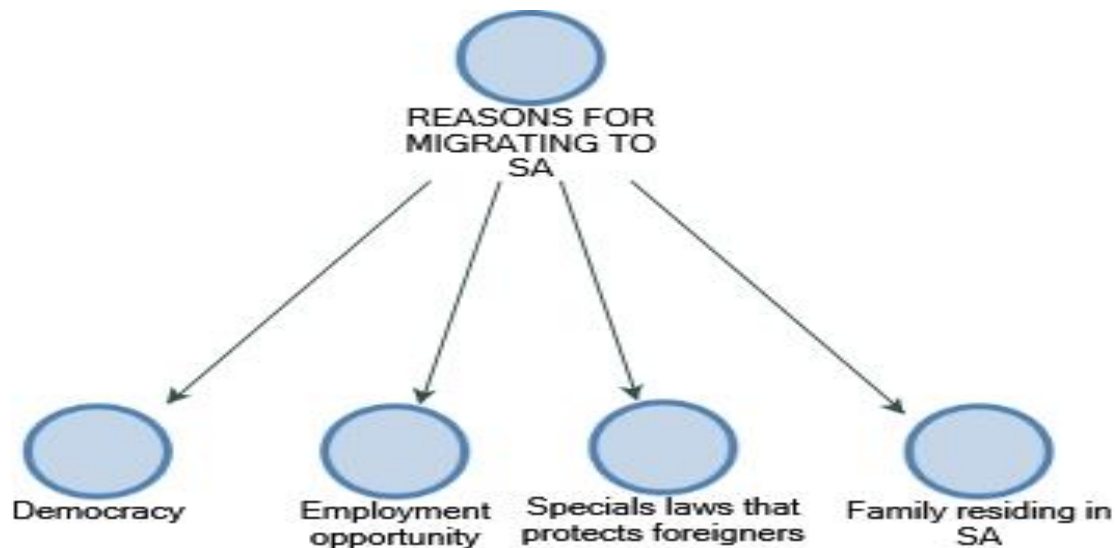
It is clear from the foregoing that people do migrate as a way of finding their feet, economically and socially as highlighted throughout the interview process by the majority of the participants who took part in the research study.

### ***Reasons for Migrating to South Africa***

Participants also highlighted the reasons why they chose South Africa of all the countries in Africa. Varying responses were captured ranging from issues that have to do with the availability of employment opportunities, educational opportunities,

presence of democracy, special laws that protect foreigners, and family already residing in South Africa as reasons to why they tend to choose to migrate to South Africa. Some of the participants emphasised that “*migrating to South Africa is not usually a desirable choice but rather the only available choice*” as most of the African foreigners migrate to South Africa for survival and in pursuit of a decent life.

**Figure 5.4 Reasons for Migration to South Africa**



Searching for greener pastures, better life and economic opportunities were reported to be the major reasons for migrating to South Africa. The destination to Durban depended on the presence of a friend, a family member or an acquaintance who has been in the city for a while with whom the newcomer has been in touch sometime even before the decision to leave the country of origin. This network has enabled thousands of foreigners to reach the host community due to the presence of one or more friends or family members within the host city. Participant 2 from Kenya confirmed that:

I selected South Africa because I had a friend who was already here and based on the stories all around the media of how free South Africa was and how it was open and how it was inclusive the society was and also the economy was very vibrant. To the best of my knowledge, the politics were peaceful without and all races voted without any dead recorded unlike my country Kenya where every time there’s an election many people die.

Another participant (32) from Cameroon who has been in South Africa for 25 years intimated that he migrated to South Africa because after apartheid,

It was a promising democracy where there was freedom of expression in a new democratic South Africa that was promising and welcoming to people around the world. You could see that there were so many promises in terms of economy, the socially integrated life and for me, as a young person, I thought it was the right place to be where you can dream, live and develop yourself.

The idea of democracy is everyone's dream and most foreigners were attracted to this new dispensation that characterised a new South Africa. Reinforcing the above sentiments was Participant 11 from Congo who revealed that, "I selected South Africa because at the time I knew it was a peaceful Country and there is a rule of Law". Some participants mentioned the presence of special laws that were meant to protect foreigners from all sorts of delinquencies and promised to offer the basic needs to the immigrants, social, economic and political stability. Participant 43 from Zimbabwe chose South Africa "because of diversity and I convinced myself that this is the place I can be safe in one way or another and they are special laws that protect foreigners".

On top of the hope in democracy, some participants mentioned the issue of human rights and safety to be their motivation to migrate to South Africa. Participant 46 from DR-Congo contend that "*I did select South Africa because from my own point of view South Africa was a country that I had an understanding that the human security, the human being can be protected because of human rights in South Africa*".

To sum up this section, it is true that the perception of people from all African countries about South Africa being a democratic society, and a peace land, is a serious pull factor for African foreign nationals who decide to leave their countries due to uncertainties, war conflicts and socio-economic challenges on search not only for peace but also for green pastures that they pretend to find in South Africa.

### ***Number of years in South Africa***

The number of years spent in South Africa was also assessed for each participant. While some respondents have already spent close to 30 years in the country (Participant 42) there are some who have spent 2 years (participants 18, 16 and 14). There are four participants that have spent 3 years in South Africa, six participants have spent 10 years and only one participant has spent 21, 25 and 30 years respectively. This result indicates that the sample studied has enough experience in South Africa which allowed them to provide relevant information as per the questions in the interviews.

### **Contribution of each participant in the study**

The contribution of each participant is analysed in terms of a number of codes retrieved from each participant as well as the number of quotations or number of times each a portion of the text stemming from each participant was coded at a specific node (or code).

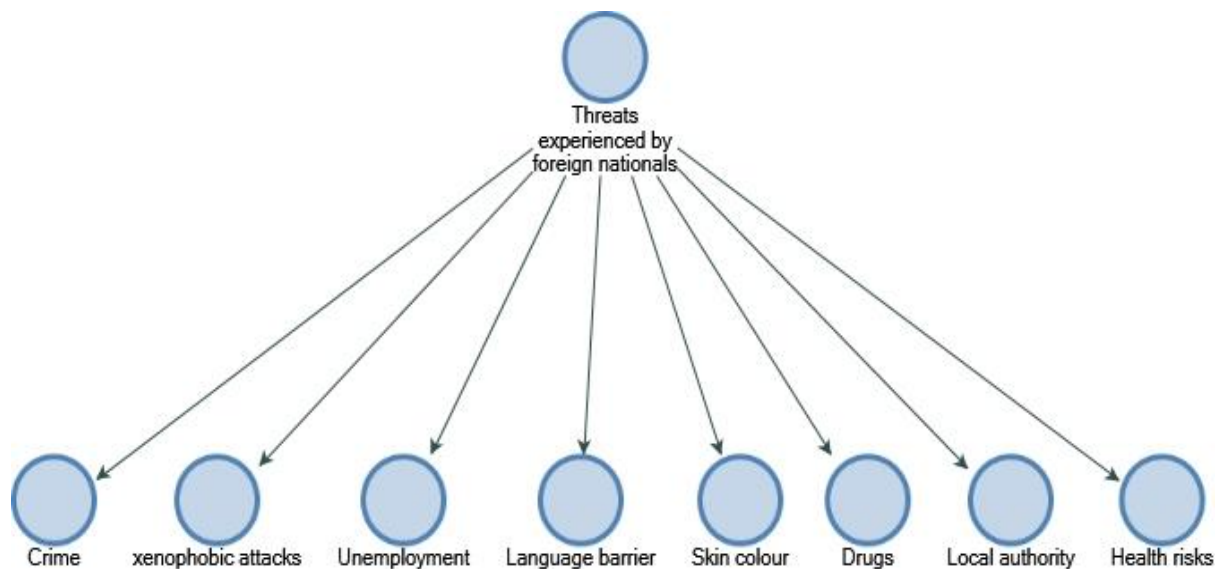
Thirteen (13) out of a total of fifty (50) participants contributed more information in the research study than others. Participant 3 provided more insight than any other participant in the research study with two-hundred and forty-seven (247) references and this is because the participant is an Entrepreneur who has lived in South Africa for more than sixteen years. He has a vast knowledge of the threats or obstacles experienced by himself and his fellow African foreign internationals. Participant 1, 2, 4, 6, 8, 11, 21, 28, 25, 33, 47 and 49, respectively contributed more insight to the study as well looking at their quotations which are above 100 and all of them have been staying in South Africa between seven and twenty-five years. Seven (7) participants out of a total of fifty (50) participants had the least impact in the study with all having less than 50 references to their names. These are Participant 43, 41, 40, 32, 23, 14 and 20. From the data provided, Participant 14 contributed the least information with only 27 references because he has been in South Africa for two years and he has been busy hustling and has not yet experienced anything affecting him negatively yet.

### **Process of Data Analysis**

This study followed an interpretive paradigm that employed a qualitative research design. A thematic analysis data analysis technique was used to analyse the data retrieved from the fifty interviews following (Braun and Clarke, 2006), thematic analysis. The researcher focused on themes that impacted on the safety and security of African foreign nationals living in Durban South Africa as units of analysis and used open coding by assigning initial codes or labels. The initial number of codes created was 65. These codes were refined, some were merged, others were collapsed and some other irrelevant codes were deleted. The final number of parent codes and codes was 52. The identified themes were labelled and refined considering the research questions and objectives of the study. From the inductive data analysis process, four main themes emerged, and they are outlined in the following section.

Foreign nationals experience various threats on their safety and security in Durban South Africa. The threats vary from actions of pain to injury and damage that are usually inflicted upon foreign nationals by local South Africans. Participants emphasised xenophobic attacks, violent crime, unemployment, diseases among other issues as some of the main threats affecting their safety and security. Being a foreigner in Durban South Africa is tough because of the negative experiences that befall most African foreign nationals. From the data analysis process, participants argued that crime is a threat to their safety and security, and this is highlighted through Participant 1 who contends that “crime is a problem here in South Africa. And when it comes to crime it does target foreigners mainly though crime is affecting everybody”.

**Figure 5.5 Assessment of threats on African foreign nationals safety and security in Durban South Africa**



Adding on to what Participant 1 said, Participant 48 substantially supports the above view by saying, “That is difficult to say because there is a lot of crime here in Durban”.

Reiterating on to the above, Participant 18 weighed in by saying that “crime is a threat to our well-being, crime is always high, and I don’t think it is about where you come from but here, crime is crime they don’t care who you are they attack, and the safety is not really good”. Although crime is a threat to African foreign nationals, it is also affecting the local citizens as well. Participant 38 intimated that “this crime you understand me, it is challenging everybody here, the police can’t do anything about it,

it is the only challenge we have here and it is the main threat to our safety as you will be wondering what will happen to me next”.

Participant 32 also noted that crime is a serious threat amongst foreigners and locals as well. People are always victimized, and we always see it on TV where people are fighting and killing each other”. It is clear to note that crime is a serious threat to people’s lives, be it, foreigners or locals, as highlighted in the research study. People are not safe when it comes to crimes as they are in constant fear of their lives.

Some of the participants highlighted that they cannot walk around in downtown alone as they constantly fear that they might become victims of crime.

Personally, I think that you cannot predict what will happen to you. We are scared of thieves, that is the main problem. There are places where we can move freely but there some places where we cannot because we know there is not security. Even sometimes in your flat, in your home, you don’t feel comfortable because you heard that they break in and do this and that..... there are a lot of issues”.

Different types of crime happen in the city. Crimes such as robbery, drugs and fake money are part of the serious crimes happening in the city, affecting foreigners as they are sometimes blamed for that. Durban is notorious for being the gate of crimes into the country due to its biggest harbour on the continent. One participant reasoned that “the biggest harbour in Africa and the shipping companies are owned by Indians and drugs come through the harbour and fake money which is the reason why Indians are extremely rich and that’s not because they work hard”.

Xenophobic attacks are also threats to African foreign nationals living in Durban South Africa. Participants highlighted that most of the xenophobic people in Durban assume that foreign nationals “came into South Africa looking for their money, resources, jobs and women hence most of the times we are at the receiving end” argued Participant 4. Reinforcing the about view was Participant 8 who stated that “reasons for these xenophobic attacks on African foreigners differ with some South Africans blaming the contestation for scarce resources and inadequate service delivery on Foreigners”.

Participant 19 pointed out that

Many foreigners cannot live in local communities where housing is cheap due to xenophobic attacks and living in the city is quite expensive. It has been in huge plight on foreigners. We need affordable housing but due to xenophobic threats, we won't survive in locations because we are foreigners.

It can be argued that xenophobia in the area is the result of persistent social inequality in the South African communities hence the blame goes to foreigners. Participant 1 pointed out that

The xenophobic attacks are a result of what is happening in the society now the foreign nationals become the easy target because they live with the locals. Now they see that most foreigners are self-employed and those from the township come and see that foreign nationals are working, and they feel that they are taking their employment. Now foreign nationals have achieved a certain success as compared to locals and that attracts hatred and jealousy because they didn't achieve it so, they feel that everybody owes them because they know that their country is so rich but, yet they are so poor, those are the results of the post-regime. And they see that suddenly the foreign nationals are leaving well, buying cars and living in flats with water and electricity and they appear good even though they do it through hardship and then the immediate reaction will be for locals to attack them so that they can pay themselves, what we call the redistribution of wealth so, they try to distribute wealth in their own way because they feel undermined, poor and abandoned, therefore, they have to take it by force that's why you see crime all over South Africa and it will always be there if we still continue to live in inequality.

It is important to note that these xenophobic attacks are usually in the form of violence and looting targeting foreigners or their business. Xenophobic attacks is a threat posed not only by ordinary people but also by the people in authority. Participant 9 argued that "xenophobic sentiments do not come from the people on the street but including people from the office who are supposed to be protecting the foreigners". Participant 43 claimed that xenophobic attacks are regarded as threats by participants because

Most South Africans think many black African nationals from other countries come here to take over their jobs which is not true because firstly I came here because of education and they are talking about taking over their jobs, most of



them are doing minor jobs and mostly we came here to have higher degrees and whatnot. So, it's not true that we came here to take their jobs.

Supporting the above views is Participant 14 who contends that, “Sometimes it’s hard, the Xenophobia attacks is a big threat for me, you get scared but sometimes you tell yourself you are okay”.

Xenophobic threats on the African foreign nationals are also a result of fear, hatred and jealousy of locals. This impacts negatively on the social lives of the foreigners who are constantly checking their surroundings to make sure they are safe.

Sometimes we are threatened maybe by seeing the police coming to harass you for no particular reason especially when you have legal documents to stay here (Participant 44).

Violence is my daily bread because I have told you I am an activist and a community leader. A lot of people from our community which are shot, which are robbed their shops, their businesses, some of them they killed, some of them they left them as they are dead so, as recently yesterday I was talking to a guy who was robbed the whole bottle store and he couldn’t do anything because when he approached the police, the investigators they asked him to show them, to indicate those who are perpetrators but, there is also a threat that they don’t see those people because once they come out they shoot and they kill (Participant 4)

Unemployment is also referred to as a threat to the safety and security of most African foreign nationals living in Durban. One participant boldly said, “Joblessness is the main threat for me”. Even though most foreigners are unemployed, locals feel threatened when they do not have anything to do and seeing a foreigner, they think he will come and take the little they have.

However, participant 46 echoed

When it comes now to jobs it is a no-go area we don’t even go there. I will use myself as an example I was called by one big insurance company Salam, they looked at my things, I went through different interviews, I was giving practical work to do, I completed those works, but it was at the last interview when I was asked by the director I don’t know or manager. He asked me a straight question:

“ the locals people are saying that you are robbing their jobs so you are one of them how can you defend yourself in front of me, so I was speechless this is the reason we decided ourselves to create our own things through the small money that I are saving and if you managed to have something thank God but it doesn't look right to us. Maybe constitutionally you are entitled to work but that right for us is coming as a right, for us we see it as a privilege when someone gets employed in a public or private sector. We are doing everything to create our own thing that is why I said early that if you are the security you don't have to eat your all income. You sacrifice your consumption today to create that thing which will bring you income to survive to avoid all these employment unemployment scenarios, you create a job for yourself.

Some participants blamed this on the government.

The government is involved in some of the conflicts that threatens our safety and security. Refugees are supposed to be in the camp and be given subsidy from the government monthly which will reduce the competition between the foreigners and the locals. But the government sent out the refugees to go to the community to scramble for the small jobs which are not even enough for the locals coupled with the very high unemployment rate in the Country. The locals in Kwamashu have nothing to live on (Participant 9).

Similarly, participants 42 echoed that

There is a high level of unemployment in the country at large. the majority of us create our own employment because there is no employment at all. And most of our people are cutting hair, they'll open their own Saloon cut their hair as often in small shops and so on and so on but in terms of employment within the government and private sector is very hard and even though if you can apply the condition of employment are very difficult, so they need a black South Africa face must be a female and then they need to be if he's not a female is a man and then it is not must the BEE part of it and then come foreigners becoming the last three very difficult to get job in the formality that the former sect.

Supporting the issue of unemployment as a threat to the safety and security of African Foreign national, Participant 38 argued that

When you do not have a job, it's hard my friend, it difficult to survive and it's not only because of who I am but it's about everyone. You see big guys with big cars but if you go to their fridge there is nothing, and food is too expensive, so you must make enough in order to feed well. Unfortunately, people cannot sustain good eating behaviour, so they die quickly due to eating junk and the spread of HIV and AIDS is related to malnutrition.

The high rate of people taking drugs is a threat to the safety and security of most foreigners living in Durban. Participant 11 contended that “the high rate of those who take drugs is a threat to the safety of my children who are still growing as I fear that by association they might end up taking them and who knows what this will lead to, prostitution, crime and diseases”. Reinforcing this sentiment, Participant 42 expressed concern that a lot of boys who are addicted to drugs are becoming a real threat for everyone. “As long as you carrying a phone you carrying a laptop or a bag you can be a victim of those boys anytime”. Supporting the above views is participant 50 who concluded that “because they drink, they also take the drugs and they can harm you when they are on drugs. So, you are not safe you are not safe”.

Other participants lamented that the language barrier was a threat to their lives as most are not able to converse in most of the 11 indigenous languages of South Africa hence falling prey to the locals easily. Participants 11 felt that “the language barrier is a threat to my life” as failing to speak the local language makes one to be discriminated. Relatedly, Participant 13 felt that “the colour of my skin is also a big threat to my safety and security in Durban”. The participant argued that most of the South Africans in Durban are light skinned hence him being “very dark” could give him away as a foreigner which might lead to xenophobic attacks, abuse and being stereotyped.

There are also health risks that threaten the safety and security of the African nationals living in Durban South Africa.

Well, we all know that South Africa is the leading country with the highest HIV infections in the world and that alone makes you worry when you walk on the streets because anything can happen and that is very risky. So, living in South Africa on its own is dangerous, not only for the crime but even for an illness that can really threaten your life (Participant 2).

The same sentiments were shared by Participant 32 who concurred that their biggest threat to their safety is health risks especially HIV and Aids and other diseases owing to poor living conditions. Other participants indicated that this was because of too much prostitution and poor hygiene.

Where I am staying, I can say we are exposed because the kids always cough, in the area where we are staying people always smoke drugs so drugs always come through our window if our window is not closed and the smell is too strong and sometimes you can find the child coughing because of that (Participant 8).

Acknowledging the issue of HIV risk, participant 1 attributed their fear to the fact that

Kwa-Zulu Natal province has a huge rate of infected population and poor people are most sexually active and that's a risk and that does not exclude the foreign nationals and because of poverty women become vulnerable and release themselves in sex and they transmit the virus, so HIV and Tb is a reality.

Health is not only affected by diseases but also eating behaviour or the food people eat affects their health.

Participant 3 points out that

Some of the risks that are here, there are these communicable diseases. A few weeks ago, they have discovered that some of the meat was contaminated by this syndrome, those are the risks that we can say are here. Like me someone who is not employed at the moment, I have to go for those cheaper items. Going for those cheaper items, you just look for the price tag, not quality, you don't know how long that meat have spent there in the fridge, is it still healthy or not, is it convenient for me to eat that food? There are no side effects? Those people who are selling those items they don't care, the purpose is to make money at some point, there is not even some investigation done by government agents to control if those retailers are not selling items which are already rotten, at some point you find that stuff is rotten, expired in the fridge from these small stores and those are the things we buy because of our financial problem. We are to go for cheaper stuff and there is no follow up in terms of quality food which have been displayed in these tuck shops or these spazza shops or mini markets and the people around those small chops don't care, they just want to make money.

These are the risks that we are exposed to and the only thing we can do is to advocate if maybe the government can take any measure to see how they can do with such behaviour which can put many of us at risk and if you fall sick the cost of you.... You cannot afford to take care of your health then you accumulate certain diseases that you don't have to because of the lack of following up on these tuck shops and small shops,

The local authority's failure to provide adequate security was also highlighted as a threat to the security and safety of African foreign nationals. This was pointed out by participant 4 who feared the police because

they don't guarantee you safety and security. They try to exploit you and get whatever they want if you don't challenge them. As a refugee leader especially me, I can talk and I can ask questions. Communities members don't ask so they try to negotiate with the language of the police then they become victims. They take their money and keep asking them for a bribe. So I think it is a threat to security and safety.

Participant 46 also weighed in complaining that the biggest threat of their lives was the police and violence owing to false accusations by local South Africans.

They see us busy trying to organize things and they will say these foreigners are selling drugs, these people are doing drugs. We are not saying that all foreigners are ok but the majority of us focus on our daily lives. But when they see you doing those things, you are labelled and targeted. Our lives are in danger because during the night you cannot work anyhow because once they identify this is a foreigner, they will kill you. So during the night, we work in groups of 3 or 5 people, so alone you cannot do anything.

In light of the foregoing, it can be noted that the nature of the threats to the safety and security of foreign nationals in the city of Durban is varied. This as there are different factors that account for these threats. These are described below.

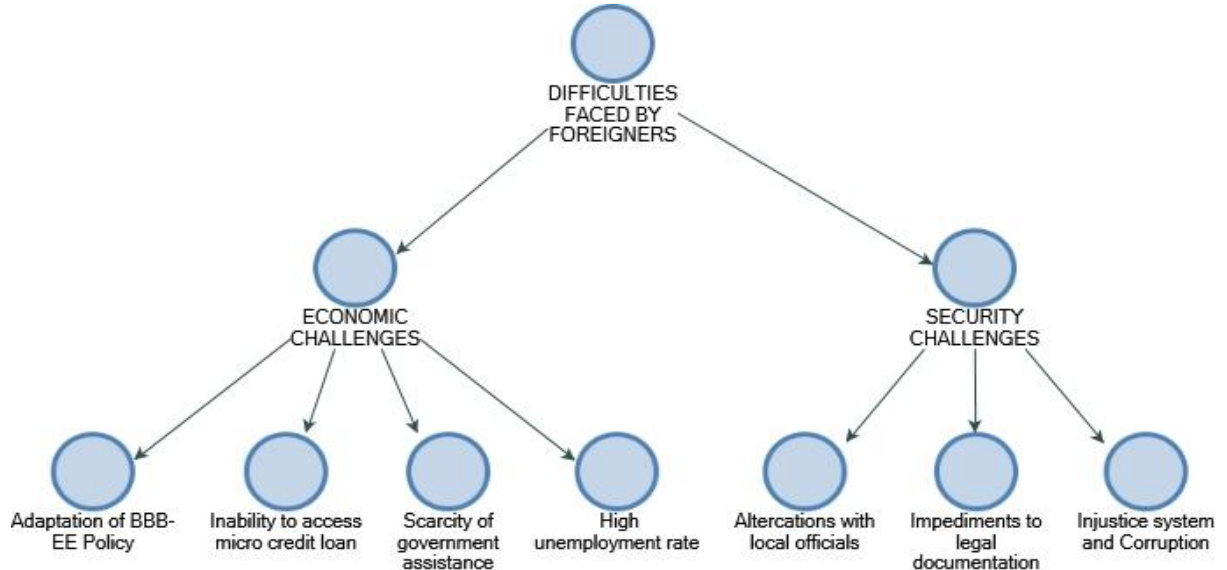
## Factors that threaten the safety and security of foreign nationals in the city of Durban

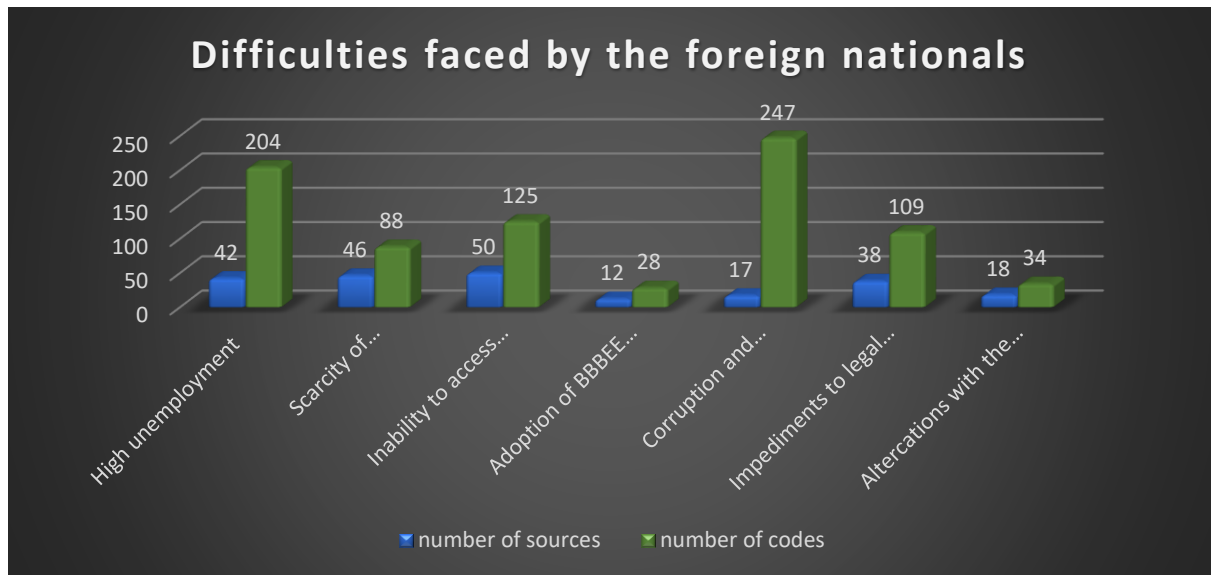
The factors that threaten the safety and security of foreign nationals in the city of Durban are discussed below under two broad categories namely (a) economic and security challenges as well as (b) social wellbeing challenges.

Identifying different threats or factors affecting them in Durban South Africa, they highlighted that the difficulties they face daily are social, economic, security challenges and social well-being challenges to a greater extent. Below is a discussion on economic and security challenges as depicted through the fifty participants who took part in the study.

Figure 5.6 illustrates the structure of the codes pertaining to economic and security-related challenges. The accompanying graph shows how each code under this category was coded. For instance, the graph shows that there are 204 codes about high unemployment extracted from 42 participants.

**Figure 5.6 Difficulties faced by Foreign Nationals**





As already noted in the demographic profile of the participants, most of the African foreign nationals are well-educated, tend to be more urbanized, skilled as entrepreneurs or hold specialists' positions back in their country of origin and some can speak multiple languages. Nevertheless, many of these African foreign nationals face many difficulties despite possessing the above-mentioned qualifications as already noted in the demographic profile of the participants, most of the African foreign nationals are well-educated, tend to be more urbanized, skilled as entrepreneurs or hold specialists' positions back in their country of origin and some can speak multiple languages. Nevertheless, many of these African foreign nationals face many difficulties despite possessing the above-mentioned qualities. Most participants cited that economic challenges are rife in their day to day activities. Unemployment is a huge challenge they are facing. Most of the participants argued that they are highly literate and educated and some possess needed skills for positions advertised but they continue to find themselves without jobs.

The major challenge I'm facing is unemployment. I cannot survive if I don't have any income. I lost a couple of jobs, within four years I lost three jobs not because I'm not competent enough but because I am not a permanent residence of South Africa but a refugee (Participant 1).

I think that that's the challenge, the high level of unemployment made worse by the section permit, most companies prefer people with the full status refugee permit. So whatever qualification I might have, certain companies in the private

sector are reluctant to hire you. It hasn't been easy I have put in CV's in different companies (Participant 13).

The above two participants decried not only the scarcity of job opportunities, but the stringent requirements needed for qualified refugees to be considered for employment. These include the work documentation which is often hard to obtain. Participant 40 argued that "the main issue in Durban is to find a permanent job. I have the challenge to get a proper document. I have a qualification I don't work, and I have been unemployed for 8 years". Participants complained that the government of South African is failing its people in creating employment opportunities for them hence it will be more difficult for "us to get employed or employment".

Participants felt that issues of accessing employment have been very biased towards local South Africans leaving the African foreign nationals without jobs. Participant 2 stated that many times African foreign nationals are highly qualified but jobless, yet they are supposed to earn a decent living. He claimed that

We find ourselves in a situation where we are skilled. And we from other African countries are educated and skilled and fit for employment. Even in those instances we still don't get that employment and if we get it, we are subjected to very low pay rates and that makes it very difficult to survive.

Reinforcing the above point, Participant 20 pointed out that the issue of unemployment urges them to be enterprising.

While unemployment is a major issue that I and my fellow compatriots are facing in Durban, as foreigners we don't see it as a challenge because we have taught ourselves this tendency to try and do something behind. For instance, I am a graduate but since I have been chasing for employment, I have been invited to certain interviews and applied for different jobs, still, there are no opportunities out there. What I have decided to do instead is to work as a barber so I can fulfil my daily needs.

Participant 32 from Cameroon urged the government of South Africa to look at the issue of unemployment in the country and find ways to curb it because "lack of jobs turns people into criminals".



Some of the participants decried the Broad-based Black Economic Empowerment (BBBEE) policy as a contribution to their misfortunes in getting employment in Durban. Participant 50 from Ghana remarked that

The BBBEE issue also makes it difficult as foreigners to get a job. You will find that Indians and white South Africans are crying because of this issue and us as foreigners we are no exception. This policy is killing our dreams as we are not considered at all.

Supporting the above point, Participant 3 from Burundi had this to say:

You can see when they promote someone they promote based on those criteria because the company wants to maintain their black economic empowerment standard, they want to play a role in the affirmative action but at the same time it's affecting others and those are the challenges you face on a daily basis in the workplace. At the end of the day, you find yourself jobless again.

Most participants reported that the challenge of the high level of unemployment among foreign nationals is made worse by the adoption of the BBBEE by most companies which are compelled to prefer people who are black South Africans. So whatever qualification the foreign nationals might have, companies in the private sector are reluctant to hire them.

African foreign nationals also have difficulties in accessing micro-credit loans meant for low-income earners who do not have any credit history, collateral or steady income. Most participants reported that most African foreign nationals qualify into this bracket, but they cannot access the loans. Some of these participants own small businesses which require capitalisation to grow. Participant 4 from Eritria decried this challenge.

We do not have access to loans. No, the financial institution does give loans. I have three companies that have been operating and we have been struggling extremely hard because of lack of finance. We could not get any funding or loans from the government and some of the reasons being, we are foreigners. And this is because they do not trust us and yet we employ create jobs and employ South Africa.

However, most participants revealed that their small companies are not registered, and they operate on a very small scale. Be that as it may, they argued that the treatment they

receive is contrary to the provision of the South African constitution which vows to protect and provide for all non-nationals who live in the country irrespective of legal documentation stating their country of birth.

There complaints that no one seems to pay attention to foreigners as even the media does not speak about them. Another issue regarding access to services is medical aid cover. Participant 22 from Congo recounted how he and many others have tried to get government assistance in terms of acquiring medical aid to no avail.

We don't get the assistance that the locals will have. Asylum seekers don't have medical insurance so that is a huge risk of its own because at times the public hospital can turn you away. That means you can die at the door of the government hospitals.

Regardless of their failure to access services, participants were cognizant of the fact that South Africa itself was failing to provide the same services to its citizens. It is therefore inconceivable that it would be able to support people from other African countries when they are not able to support their own people with government assistance.

I don't think it's even feasible for them to think about people like us at the moment until that day when they will be able to solve the problems of their people when it comes to health, education, land and housing. That is when the government will be able to assist us financially (Participant 18).

Participant 35 from Malawi said recounted how he was labelled 'Kwerekwere' (a derogatory term for foreigner) when he was applying for an identity document at the Department of Home Affairs. This was echoed by Participant 5 from DRC who reiterated that African foreign nationals do not get any assistance from local or provincial leaders at all who "even blame you for coming to overpopulate their own country and tell you to go back home because they are always accusing us of criminal activities".

The above brings another challenge the African foreign nationals are facing regarding accessing legal documents to formalise their stay in the country. Most of the participants reported that this is not easy as most of the foreigners' friends or family members do not have legal documents to their names. Participant 4 from Eritria stated

that as a community,

There are a lot of challenges that we faced as refugees and migrants in different ways in documentation issues which are the main problem because people are having documents to study and work in South Africa only because those are easy to apply. But not all of us want to study here in South Africa. We want to do business and work and applying for work permits. This is a challenge as people from home affairs are always chasing us away or moving us back and forth without solutions.

Lack of documentation is an enduring problem among these immigrants most of whom remain illegal. This exposes them to various hardships owing to lack of access to services and even the challenge of food insecurity.

Permits are a necessity here in Durban and are acknowledged by some institutions like Banks, Hospitals, and in the municipalities, they don't assist you when you do not possess those documents so, there are a lot of challenges. These are some of the challenges that we as activists and community leaders we try to engage with different bodies to help us apply but to no avail (Participant 32).

Participants' accounts also reveal that most of the African foreign nationals in Durban have a challenge of food security. While every individual has a right to basic food, many are struggling to feed or buy food because they have no income. Others end up buying cheap foodstuffs which have a detrimental effect on their health. As one participant posited, most African foreign nationals are failing to sustain their good eating behaviour which eventually leads to early deaths because they constantly eat junk cheap food and end up suffering from malnutrition.

We normally encounter challenges that have to do with food security. Although I have this principle that I must eat something that I prefer, at times I cannot do that because I cannot afford, and I end up going for the second option which is cheaper. It may look similar, but the quality is not the same (Participant 2).

The inability to buy normal food is one of the issues at the core of African foreign nationals' concerns. Food deficit is as good as physical insecurity as they both may lead to death.

Physical personal security was thus stressed as a major issue affecting African migrants. This threat encompassed physical violence be it, violence from domestic abuse, violent individuals and non-state actors among others. These problems were compounded by the weakened justice system which fails the migrants who wish to legalise their stay in South Africa. Most of the participants argued that there are injustices and corruption towards African foreign nationals in South Africa. Some participants highlighted that some African foreign nationals are killed as “dogs” and justice is not served and most of the time the perpetrators are left scot-free.

My friend was killed at my doorstep and the criminal system should be given attention because the biggest criminals are the police who are the big criminals at the harbour. They know who control the harbour as they have distribution centres in the whole city. All this crime starts at the harbour. Lawyers, magistrates, judges and the police are corrupt, the police force is just havoc and if these cases involve foreigners nothing is done (Participant 27).

Participant 11 from Congo recounted how his friend was killed and the police were immediately informed. However, they were not satisfied with the service they got.

My friend was killed in broad daylight. He was killed, and he was gone like that. The criminals ran away. We called the police and they took two hours to come but the police station is just around the corner. What are they doing, when you see police patrolling and having sex with other policewomen and seeing police taking prostitutes and having sex with them in the police van you know that there won't be any justice that will take place for us foreigners.

The above reflects that African foreign nationals continue to suffer at the hands of the corrupt system. The police officers are not doing their work to protect the locals, but they are also perpetrating and inflicting more pain on the disadvantaged citizens. Most participants were dismayed by the fact that even after they report crime and at times the perpetrators are arrested, nothing happens to them as they will be seen roaming the streets again.

When we are robbed or violated, we report to the police and you see big criminals arrested and tomorrow, they are out on bail. I have an example of a boy that killed a Zimbabwean mother and son because of the money the husband

left and he's out on bail. What do you think a boy that killed this poor woman and his son will do to society? The criminal's justice system is building criminals. Criminals are not in prison and it is the innocent and poor who are in prison and mainly us foreigners as most South Africans have that mentality that we are all perpetrators of crime and that is the reason we left our countries (Participant 19).

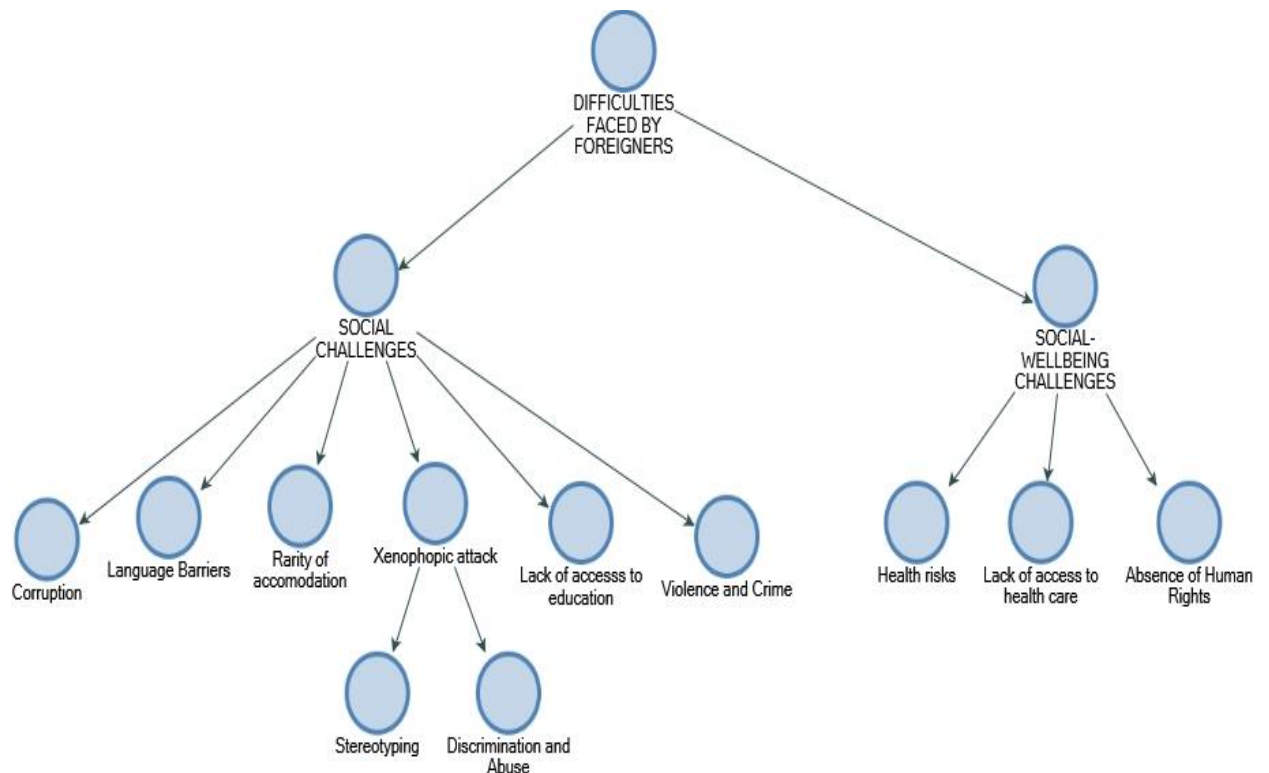
A similar instance was when participant 37's vehicle was stolen, "I opened a case and they closed the case without my consent. It's just injustice on my part because I am a foreigner". Most participants had varied accounts of their frustration with the justice system. Together, their accounts reveal not only how vulnerable the migrants are but the negative attitude they get from law enforcement agents who are supposed to be protecting everyone.

In fact, what the police are reportedly good at is harassing the illegal foreign migrants. Participants decried that local authorities are always ferrying African foreign nationals in their vans whenever they fail to produce legal documentation. The reasons behind some not having them are the fact already alluded to that that the Department of Home Affairs asks them to go and apply for the permits from the country of origin. However, some would have escaped from home countries due to political violence.

The inability to apply for legal documents makes it difficult for African foreign nationals to move freely in the CBD as they are in constant fear of the police. Some argued that they are in fear of deportation to their country of origins where life is even more unbearable due to political violence.

The experiences of foreign migrants described in the foregoing capture the social and well-being related challenges affecting the participants. These include language barriers, lack of accommodation/housing, violence and crime, lack of access to education, xenophobic attacks, stereotyping and discrimination and abuse as some of the social challenges they are faced with daily. Figure 5.7 below illustrates these challenges.

**Figure 5.7 Social well-being challenges**



As already highlighted in the previous sections, participants emphasized that most African foreign nationals living in Durban face victimization constantly for a variety of reasons including that they represent competition with the locals for employment, housing and other services. There is also a strong sense of cultural discrimination resulting from the intricacies of dealing with the ‘other’ foreign nationals.

South African communities have a history of using violence and crime as a way of resolving issues. Violent and criminal protests involve physical acts against a person or property that may cause harm or injury to that person or their property. Participants mentioned that most African foreign nationals experience waves of collective violence and crime by the locals who usually target migrant-owned small businesses in the country. One participant pointed out how much fear is instilled in him when it comes to crime in Durban. Participant 43 from Zimbabwe “lived in communities and townships namely KwaMashu and Lindane, I have an experience where I was held at gunpoint because they thought I was selling drugs to their children”.

The wave of violence perpetrated on the foreigners at times is intense very unbearable as some foreigners are burnt alive through a concept they call ‘necklacing’ where a tyre is put on your neck and they pour petrol and burn you alive.

Violence and crime are the only threats we are facing every day. My brother was killed, and nothing was done (Participant 49).

Robbery is my greatest fear in Durban. I fear my life as a foreigner, people innocent people are constantly killed, they are stabbed or gunned down and most are foreigners (Participant 44).

Some of the attacks are motivated by jealousy that drive unaccomplished local South Africans to be perpetrators of violence and crime towards the foreigners. Most of these African foreign nationals are highly educated, skilled and experienced in certain aspects of life and these qualities help them get established quickly. However, most locals will fail to understand this and revert to violence blaming all African foreign nationals of stealing their jobs and women.

South Africans do not realise that we come here already skilled and educated, we don't come here to get education or skills or employment. These are the type of issues that confront the locals, they don't understand how you can come here and after three months you are able to buy a car, get married while they are sitting. Then they retaliate and get violent because they think you are stealing from somewhere and from them, yet they are just lazy to work (Participant 6).

Some of the participants highlighted that it is more difficult for asylum seekers to have access to education in South Africa. Participant 13 from Zimbabwe stated that

Doors are closed for foreigners especially with asylum seekers. We cannot access it no matter how good we are, and we end up doing these small jobs which do not sell the knowledge and skills we have academically.

Others lamented that as much as it is difficult to apply for tertiary education whilst you are in South Africa, it is also difficult for them to get financing towards educating themselves. Participant 15 from Rwanda found it very difficult to study because of funding. Another participant from Zimbabwe contended that it is very difficult for locals to access education in South Africa hence it is more difficult for foreigners especially looking at how expensive tertiary education is and looking at how most people are living under minimum wages.

One participant described how he was chased away from university residence after he failed to pay the money.

In Pietermaritzburg, I was denied access and was chased away from the residence because I could not pay. I had to stop studying because of discrimination after I had applied for assistance from the government of which I was denied because I was a foreigner.

Frustrated by these challenges, a participant from Ghana was of the opinion that it is the same system which is driving foreign nationals into criminal activities, prostitution and shoddy dealings.

In my view, I can say that the more we have access to universities the more we will survive because the system here how it operates, you must be qualified. But we are denied that opportunity and the next thing you hear that same brother is in jail for hijacking or selling drugs (Participant 36).

The cause of hatred, crime, conflict and innocent killing is in-equality. Foreigners are discriminated against causing graduates to be criminals. I know a graduate who chose crime because of discrimination and not being able to find work (Participant 19).

The South Africans negative perceptions about foreigners and their roles in the communities they are staying derive mainly from socioeconomic inequalities. The locals are in constant fear that the foreigners are to blame for the poverty, unemployment, spread of HIV and high crime rates. South Africans not only believe that foreigners are accountable for bringing diseases to the country, but they also feel they should be denied access to health care and education if they are found HIV positive.

Participant 33 from DRC lamented that she did not have access to basic care provided in public hospitals. “The doctors do not treat us the same way and the nurses don’t treat us the same way as South Africans. I have experience of my child that I took the hospital, the nurse exercised violence”. Even when they think of visiting private hospitals, the fees are prohibitive.

Health care is a major problem for foreigners although I have access to the public hospital still, we still complaining about the delivery that is why people always prefer to go to private hospitals. But I cannot have access to a good health facility if I don’t have a good job. It is quite challenging to have medical



aid if you are still economically unstable, you must work so that you can afford medical aid which most cannot (Participant 12).

These stereotyped perceptions held by the South Africans towards the African foreign nationals create enormous hatred towards foreign nationals are the main causes of attacks that emerged since 2008. The attacks result in countless injuries and deaths of foreigners and this continues to be a challenge even today. Latest attacks against foreign nationals erupted in March 2019 around Durban. This owes to discrimination and stereotyping they encounter daily in Durban.

Participants reported that the high levels of discrimination they are facing in the city are the root cause of poor and economic conditions of most foreigners as they are not employed in the governmental institutions and private sectors even though most of them are qualified. The violence caused by the xenophobic attacks left many homeless and living in unsafe conditions. In short, participants argued that xenophobia, crime, discrimination, stereotyping and violence create environments that promote risks to migrant's health and well-being.

Another challenge or difficulty faced by the foreigners in Durban is the issue of the language barrier. Most of the respondents revealed that most foreigners are still confronted with challenges of communication. The fact they are not able to speak or understand the indigenous language makes them fail to integrate into society. They also highlighted the idea that when you fail to express yourself in the local or vernacular language, "you are immediately cut off and treated as a foreigner and quickly they see you as a threat to their society, jobs, wives and they start to discriminate against you and your existence" (Participant 6). For Participant 2 from Kenya, being a "non-South African from other African country is already a challenge because we cannot speak the native languages the way it is supposed to be spoken so, that makes the communication very difficult and we are treated differently".

Participants were particularly concerned that their inability to speak or converse in the local vernacular language give rise not only to the labelling and stereotyping by the South African living in Durban but also encumbers their chances to access other social services such as health and housing. Access to housing or accommodation is generally a contentious issue that is usually seen as political. Participants highlighted that access to housing is a big problem for poor and needy South Africans hence foreigners are not

spared at all when it comes to that.

According to Participant 3 from Burundi, “housing is a requirement and it is a basic human need and right but in South Africa, there is still a big percentage of people still living in poor shelter deprivations and foreigners forming the big part of the percentage”. Supporting the view that accessing accommodation in South Africa is a challenge was Participant 21 from Zambia who contended that “the constitution allows me as a refugee to get an RDP house from South Africa, but the housing act does not allow me as a refugee to get a house and that has become a problem as the laws are contradictory. You rent and pay. The govt does not assist us in any way”.

Some of the participants echoed the above sentiments blaming corruption as a key factor playing a huge role in the access to housing projects in South Africa. Participant 15 from Rwanda blamed the government of South Africa for these challenges.

I think it’s a big issue because the South African government does not provide housing for refugees. You must rely on the mercy of friends until you get a job, so you can pay rent. So, we end up sharing accommodation and separating it with a curtain. Most foreigners cannot live in townships due to xenophobic attacks, so they prefer living in town and the accommodation is so expensive.

Local authorities were also blamed for threatening the existence of foreign nationals in South Africa as they are constantly blackmailing them to solicit bribes from the little money they have.

Together, the participants’ accounts indicate that their human rights are not respected, and they are concerned about it. Most of the participants were worried that their human rights are not respected as they tend to visit or go to certain places where they know fully well that they have the right to access certain things, but they still find themselves restricted. A major concern was the issue of acquiring citizenships by refugees.

I think that’s the biggest violation of human rights ever recorded in the history of human beings. If you go to Australia you only take 2 to 3 years to get a permanent residence or even citizenship, the UK, same story, America maybe 2 to 4 years. But why in South do we have to stay for more than 15 years? Ok, we understand that South Africa is going through issues of unemployment, unskilled labour, lack of education and poor education standard due to lower

access to education but we still believe that the rights of acquiring citizenship should not be denied to anyone simply because they are not South Africans (Participant 27).

Although most of the participants were of the view that their human rights are not respected in Durban, a few gave credit to the system and the people of South Africa when it comes to human rights issues. Some argued that their human rights are respected at times hence for them is not a problem they are facing after all.

As a person, I know my human rights and I feel there are some places where I get respect and my human rights are respected and there are also some places where you are not respected or treated the way you are supposed to be treated. I can give you an example like in a police station where you go there instead of seeing you as a person, they call you names like someone else, for example, they said “you Ethiopian” even though I am not Ethiopian because they don’t know Eritrea. (Participant 4).

Be that as it may, majority of participants indicated that they live in constant fear of health risks such as cholera, TB, HIV and AIDS especially looking at some of the living conditions they are exposed to in the communities they are living. Some of the participants argued that due to lack of employment opportunities and failure to apply for legal documentation, some of the foreigners are forced into illicit activities such as prostitution and drugs, risky behaviours which affect their health. Participant 1 from Congo argued that,

KwaZulu-Natal, in particular, has a huge rate of infected population and poor people are most sexually active and that’s a risk for the foreign nationals. Because of poverty women become vulnerable and release themselves in sex and they transmit the virus.

While the above difficulties are cross-cutting, individual foreign nationals were variously affected according to gender, economic status and the number of years spent in South Africa.

### Comparison Analysis of difficulties faced by foreigners across gender

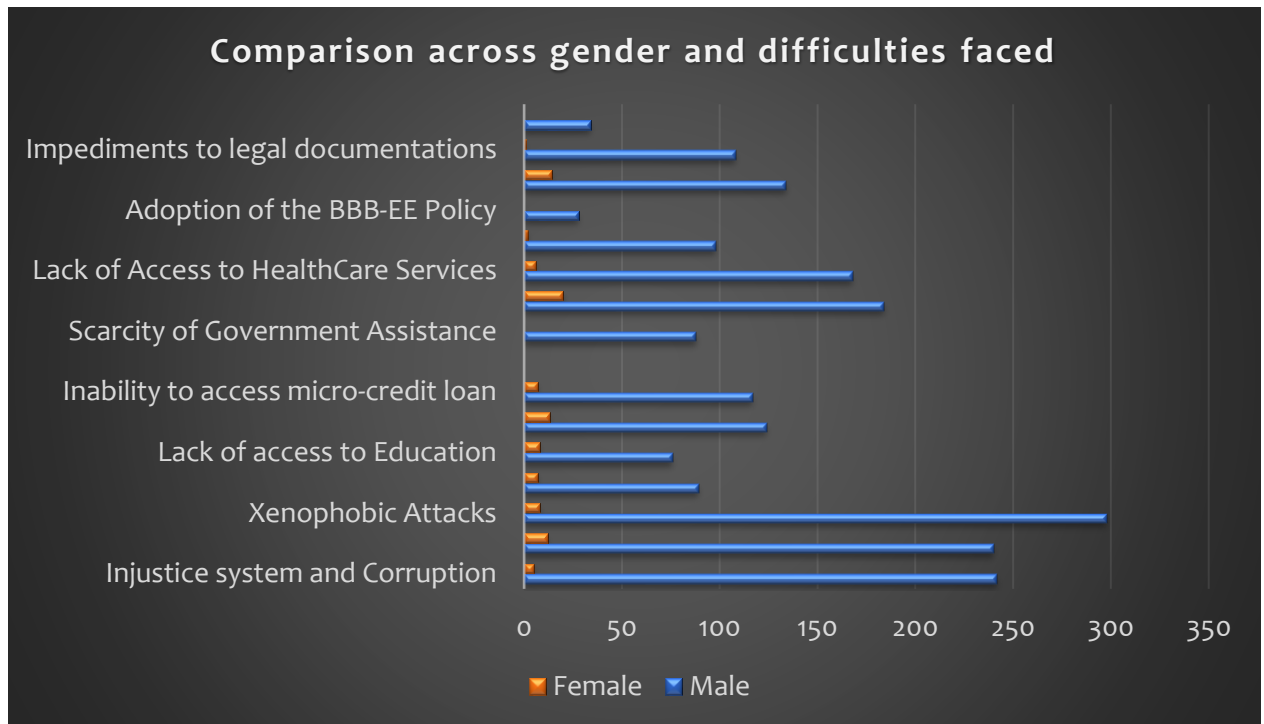
Overall, males contributed more in discussing the obstacles that the Africa foreign nationals are facing at the hands of the locals in Durban. There are 298 references from the male participants on xenophobic attacks as a challenge most foreigners in Durban are facing. On the other hand, women contributed 8 references only. This could be due to the fact the gender representation in the sample is not equal. This research study had 45 males and five females who took part in the interviews. It is therefore evident that from the table below, male participants contributed more in conversing about altercations with the local authorities as a challenge they are facing in Durban and on the other hand, women did not contribute anything. This may also be because men are always at loggerheads with the authorities most of the times, unlike women.

**Table 5.2 Difficulties faced by African Foreign Nationals**

<b>Difficulties faced by African Foreign Nationals</b>	<b>Male</b>	<b>Female</b>
Injustice system and Corruption	242	5
Language Barriers	240	12
Xenophobic Attacks	298	8
Rarity of Accommodation	89	7
Lack of access to Education	76	8
Health Risks	124	13
Inability to access micro-credit loan	107	10
Scarcity of Government Assistance	88	0
High Unemployment Rate	184	20
Lack of Access to Healthcare Services	158	16
Absence of Human rights respect	98	2
Adoption of the BBB-EE Policy	28	0
Violence and Crime	134	14
Impediments to legal documentations	96	14

Altercations with the local Authorities	34	0
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**Figure 5.8 Comparison across gender and difficulties faced**



The table and graph below present how the participants across the industry discussed the barriers affecting African foreign nationals in Durban, South Africa.

***Comparison of difficulties faced by foreigners across industries***

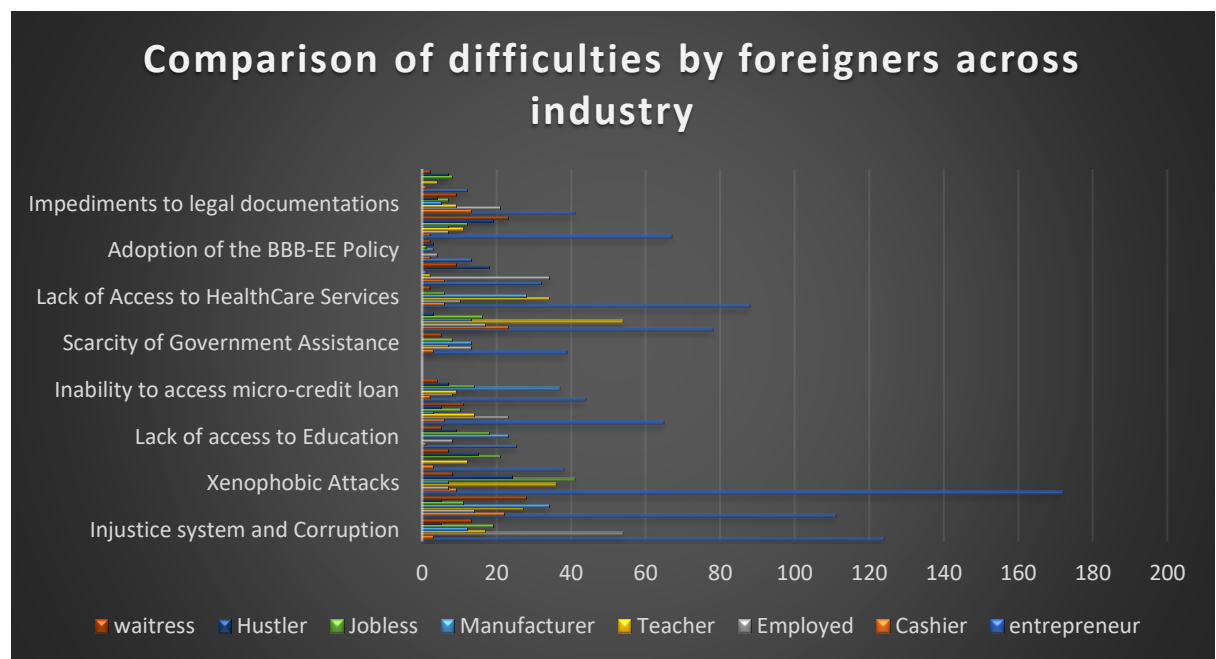
It is interesting to know that with regards to the issue of language barriers; the entrepreneur industry faces most of the challenges and they contributed 111 references in comparison with the other industries. It is clear to note that from the information presented in the table, all the industries are affected.

**Table 5.3 Comparison of difficulties faced by foreigners across industries**

<b>Difficulties faced by African Foreign Nationals</b>	<b>entrepreneur</b>	<b>Cashier</b>	<b>Employed</b>	<b>Teacher</b>	<b>Manufacturer</b>	<b>Jobless</b>	<b>Hustler</b>	<b>waitress</b>
Injustice system and Corruption	124	3	54	17	12	19	5	13
Language Barriers	111	22	14	27	34	11	5	28
Xenophobic Attacks	172	9	7	36	7	41	24	8
Rarity of Accommodation	38	3	0	12	0	21	15	7
Lack of access to Education	25	1	8	0	23	18	9	5
Health Risks	65	6	23	14	3	10	5	11
Inability to access micro-credit loan	44	2	8	9	37	14	7	4
Scarcity of Government Assistance	39	3	13	7	13	8	0	5
High unemployment Rate	78	23	17	54	13	16	3	0
Lack of Access to HealthCare Services	88	6	10	34	28	6	0	2
Absence of Human rights respect	32	6	34	2	1	0	18	9

Adoption of the BBB-EE Policy	13	2	4	0	3	1	3	2
Violence and Crime	67	2	7	11	7	12	19	23
Impediments to legal documentations	41	13	21	9	5	7	4	9
Altercations with the local Authorities	12	1	0	4	0	8	7	2

**Figure 5.9 Comparison of difficulties across industry**



***Comparison of difficulties faced by foreigners across years of experience in South Africa***

The number of codes of perceived difficulties in South Africa was compared across the number of years spent in South Africa. The number of quotations retrieved from participants that have spent less than 10 years was first evaluated. The table and graph below present how these foreign nationals perceived the difficulties in SA.

**Table. 5.4 Difficulties faced across the number of years spent in SA (less than 10 years)**

<b>Difficulties faced</b>	<b>2yrs</b>	<b>3yrs</b>	<b>5yrs</b>	<b>6yrs</b>	<b>7yrs</b>	<b>8yrs</b>	<b>9yrs</b>
Injustice system and corruption	5	22	3	9	9	13	4
Language Barriers	7	24	1	11	9	15	3
Xenophobic Attacks	18	17	8	19	11	7	23
Rarity of Accommodation	28	11	6	9	5	1	9
Lack of access to Education	8	4	0	8	7	4	0
Health Risks	7	9	3	1	3	11	6
Inability to access micro-credit loan	3	7	1	0	3	7	1
Scarcity of Government Assistance	2	0	0	7	23	6	2
High unemployment Rate	3	5	4	0	10	3	2
Lack of Access to HealthCare Services	7	3	6	11	0	2	1
Absence of Human rights respect	9	8	2	6	11	6	9
Adoption of the BBB-EE Policy	1	0	0	1	0	0	4
Violence and Crime	9	7	4	12	7	17	1
Impediments to legal documentations	5	1	0	10	7	3	7
Altercations with the local Authorities	0	2	0	3	1	5	0



**Table 5.5 Difficulties faced by Number of years in the country**

<b>Difficulties faced</b>	10yrs	11yrs	12yrs	13yrs	14yrs	15yrs	16yrs	17yrs	19yrs	20yrs	21yrs	25yrs	30yrs
Injustice system and corruption	58	13	4	17	6	23	12	17	3	12	4	3	5
Language Barriers	68	14	6	4	17	17	12	23	5	7	1	4	7
Xenophobic Attacks	43	24	17	10	17	3	12	34	14	10	7	11	7
Rarity of Accommodation	3	1	5	7	3	6	11	0	2	1	5	0	0
Lack of access to Education	6	1	0	1	1	1	0	28	2	14	0	1	1
Health Risks	38	2	0	1	9	7	4	12	7	17	1	3	1
Inability to access micro-credit loan	20	8	0	6	11	34	10	28	11	19	6	0	2
Scarcity of Government Assistance	9	3	0	0	1	7	8	4	0	1	0	0	2
High un employment Rate	18	3	2	14	10	9	23	11	5	9	11	2	3
Lack of Access to HealthCare Services	5	0	0	28	11	6	9	5	1	9	3	1	5
Absence of Human rights respect	5	1	0	10	7	3	7	1	0	3	7	1	3
Adoption of the BBB-EE Policy	6	1	0	0	1	4	2	0	4	0	2	1	2
Violence and Crime	3	1	7	9	3	1	3	11	6	38	2	0	1
Impediments to legal documentations	1	0	3	9	8	2	6	11	6	9	6	4	2
Altercations with the local Authorities	5	2	0	1	7	3	7	1	0	3	7	0	3

The results show that the number of codes on the difficulties does not get bigger with the year of experience. The same comparison was made for participants that have spent ten years and above as indicated in the table and graph below.

This information on the number of quotations per code under the theme difficulties faced by foreigners is relative because the number of quotations per year spent can also depend on the number of participants found in one category. While only one participant was found to have spent 30, 25 and 21 years respectively, it is understandable that only a few quotations were retrieved from these categories.

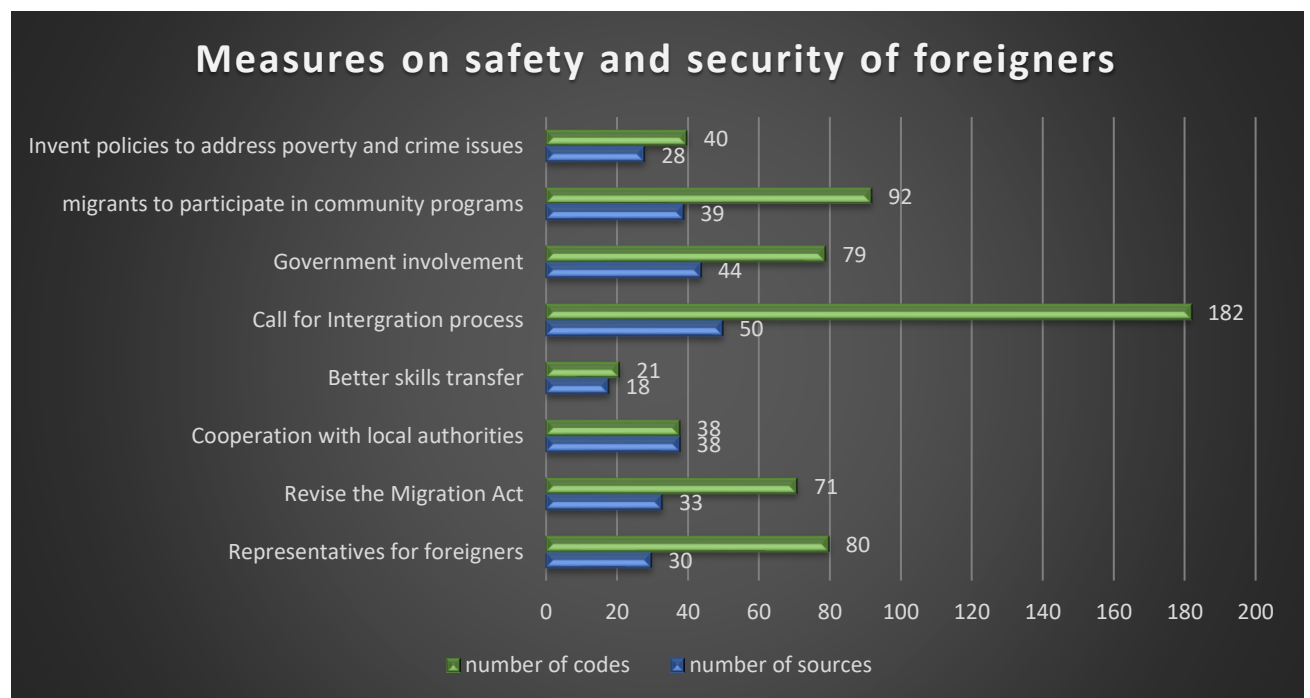
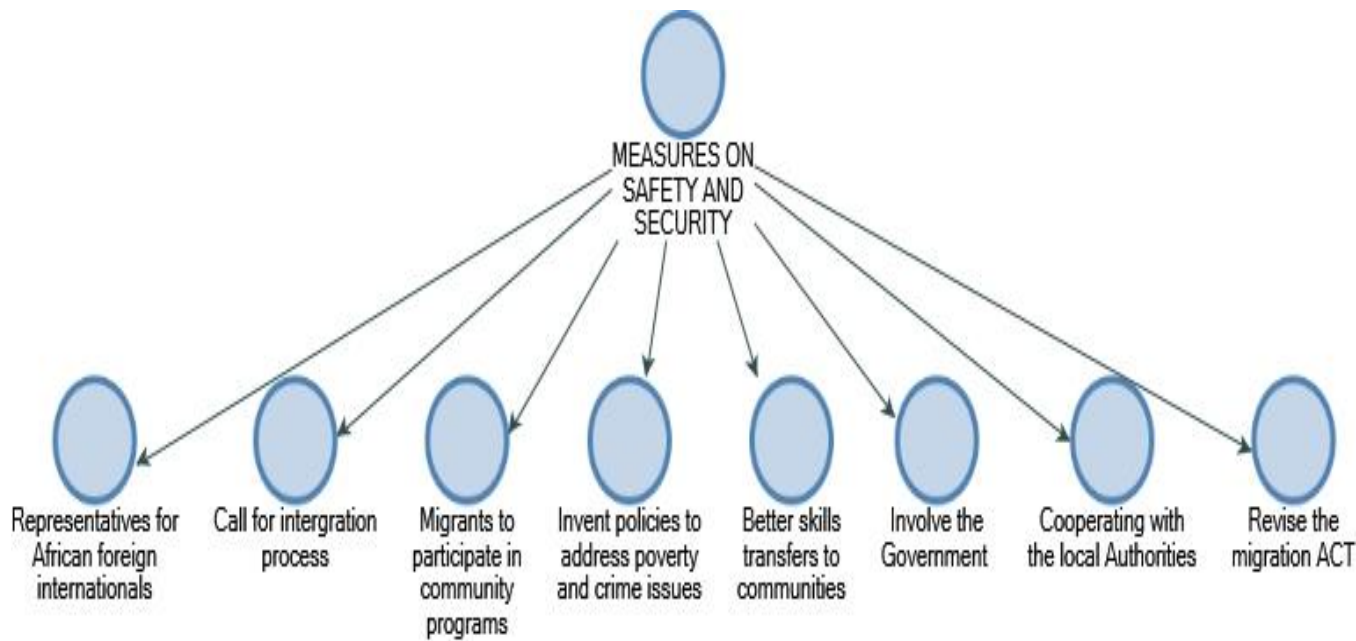
The above accounts evince that African foreign nationals experience a wide range of challenges which mostly affect their lives negatively as they are in constant fear of what might happen to their well-being and security due to constant crime, violence and discrimination that form part of their 'daily bread'. These experiences border on xenophobic attitudes towards them by local citizens. This is a formidable challenge that urges for a re-think on what should be done to address the insecurities of foreign migrants in South Africa.

### **What should be done to ensure the safety and security of foreign nationals**

Numerous policies aimed at reducing the flow of immigration, restricting immigration from certain countries, limiting social benefits for immigrants, or increasing penalties for immigration violations have been implemented throughout history in response to the negative perceptions formed against foreigners. This has impacted negatively on the safety and security of migrants regarding their human security affecting their wellbeing in the host countries. Below is an account of various measures suggested by participants on how to address these challenges.

Participants acknowledged that it is important to create a safe environment for all African foreign nationals living in Durban South Africa. This as South Africa is a signatory to the international legislation and treaties which commit to not only welcome and host migrants from different countries worldwide who want to reside temporarily or permanently in the country. But also ensure their safety and security.

**Figure 5.10 Measure to improve safety and security**



Some of the participants stressed out that there is need to adhere to the immigration act which commit the government of South Arica to “provide for the needs of the displaced people coming to South Africa in search of asylum, employment, access to education, health and all basic needs, even all services offered at the municipality in terms of safety, housing, clinic services” (Participant 26). Currently, the government appears to have no plan for ensuring that all these services are rendered to African foreign nationals hence most of them are calling for the enforcement of the act so that they will

get to be protected.

Reinforcing the above point, Participant 30 from Nigeria contends that

there is something very wrong in terms of enforcement of the immigration act that grants protection to refugees or asylum seekers running away from threatening situations. My wish is for the government of South Africa to implement it so that we get protected all over again.

From the information provided by the participants, enforcing the immigration act that is supposed to protect the foreigners will help ensure their safety and security.

There is also a need to consider social integration interventions between the locals and the foreigners living in Durban to make sure that the safety and security of the immigrants are ensured. Participants argued that migrants living in Durban should play their part in social cohesion through participating in community programs, respecting the cultural values of the locals. Participant 14 from Nigeria suggested that “the government needs to promote, to try and promote social cohesion. There are some areas I work freely in and they are somewhere I wouldn’t due to the security in the area”.

A good relationship between the local citizens and foreign nationals will address discrimination against them and stereotyping. A participant from Mozambique expressed that “these are some of the things we need to advocate for as foreigners living in Durban because it will create a good rapport. I will like to build a good relationship with the community by sharing skills with locals”. It is therefore clear from the information provided by the participants that safety and security can be addressed at a local level.

The above is a joint collaborative effort that is possible through the participation of both the locals and foreign nationals through their representatives. One of the participants reported they “have come to understand that they are channels that we can use to address issues of conflict, so we decided to start organisations that can speak on our behalf and sit and discuss issues which can make it easier for us to speak with one voice”. From the information provided by the participants, it is clear to note that foreigners wish to have organisations that can represent them, organisations that can help them address certain issues they are facing as human beings to ensure safety and security in Durban.

More so, participants also call for the development of policies that address poverty and crime in order to enhance the safety and security of foreigners living in Durban. Some of the participants argued that there is too much hatred in Durban through crime, conflict and killings of innocent people. Some even argued that discrimination is rife in Durban to the extent that some educated graduates are choosing to do criminal activities because they have failed to find employment.

Participant 41 from Zambia felt that everyone “need to come to the table and join hands. When we talk of security we need to come to the party and take the responsibility to teach the children around to be responsible and working hard through policies that protect the foreigners. That will be easy for security personnel to provide security for all of us”. A common feeling among participants was that there is an urgent need for the government to set standard policies that protect the foreign nationals which ought to be respected and the government should also be involved in the creation of jobs for which qualified foreigners can compete. The government of South Africa was also urged to sensitize local citizens around the values of living together with other African nationals. This will promote safety and security.

Lastly, participants encouraged each other to cooperate with the local authorities to safeguard their safety and security in Durban. They urged all foreigners to respect the law. The only way “we can survive here as foreigners are to respect the laws of the land and cooperating with the local police or authorities” (Participant 26).

This chapter has presented findings on the experiences of foreign nationals in Durban. Participants were variously affected by xenophobic attitudes and have suggested some measures that could be utilised to harmonise relations between foreigners and local citizens. Creating good relationships has the potential to address the safety and security of African foreign nationals.

## **CHAPTER SIX**

### **DISCUSSION OF FINDINGS**

#### **Introduction**

People have different motives for leaving their country. Some escape poverty and threats. Others seek access to quality education; employment; health care; and amenities; or to join a partner, form a family, or reunite the family (Willekens et al., 2016). In countries without adequate social protection schemes, families often see the migration of family members as a means to diversity, risk and sources of income. transnational social networks may provide social protection not available from the public and private sector at home. Violent conflicts, natural disasters and other life-threatening situations trigger peak levels of migration (Willekens et al., 2016). In fact, the United Nations estimates that 60 million people were forced to flee their homes because of war (Willekens et al., 2016: 170).

Since crime can only be understood by considering the broad social context from which it emanates, the researcher sought to understand the social context of the life condition of African foreign nationals living in Durban South Africa, as to understand their exposure to crimes and any other threats on their safety and security. From this perspective, three main questions were developed in order to identify issues pertaining to their safety and security and also ascertain what should be done to ensure their safety and security within the host community.

#### **The extent to which African foreign nationals experience threats on their safety and security in Durban South Africa".**

The first key question of this research was “to identify threats African foreign nationals experience on their safety and security in Durban South Africa?”. From interviews conducted by participants, different themes were generated to demonstrate the nature of these threats to their safety and security. Themes such as crime, xenophobic attacks, unemployment, drugs language barrier colour of skin, local authority and health risks are reported to be the threats experienced by African foreign nationals on their safety and security in the city.

## *Crime*

Crime and criminal activities have always been part of human existence. There is no society that is not confronted with the problem of criminality. Its form changes; thus characteristics are not the same everywhere; but, everywhere and always, there have been men who have behaved in such a way as to draw upon themselves penal repression (Newburn, 2007: 3). Global perceptions on what should be deemed acceptable and unacceptable behaviour change and these changes in perceptions, political power and social transformation, as well as many other factors, directly impact on what is deemed as crime and its causes Bezuidenhout (2011: 11). Such changes also impact on policy and ways to deal with the victims of crime.

Accordingly, the concept of “crime” has different meanings. This study only focuses on the juridical definitions of “crime”. Bezuidenhout (2011) explain that the word “crime” is derived from the Latin word “*crimen*”, which means “judgement, accusation and defence”. In terms of meaning, Bezuidenhout (2011: 3), points out that crime is any action that is prohibited by law. By analogy, Bartollas (1997: 11) explains the juridical definition of crime as an illegal act committed by an individual who can be both blamed and punished by the authorities. Bezuidenhout (2011) quoted Van Zyl (1996) defining crime as “the illegal, wilful, human action that constitutes a transgression of the law, to which is linked sentencing by a court of law after a hearing and conviction”.

The findings presented in the last chapter demonstrate that crime is a threat to the safety and security of African foreign nationals in the city of Durban. Participants indicated that crime is not a Durban problem alone but a national problem affecting both foreigners and local citizens. Even though participants have acknowledged that anyone can commit a crime regardless of their nationality, there are sentiments that foreigners are the criminals in the country at large. This view of foreigners as criminals does not happen in South Africa only but also everywhere in host countries and communities. For example, Tian (2018), reveals that in today’s China, migrant workers are commonly perceived as criminals.

In Italy and Arizona, an immigrant is no longer regarded as more likely than a national citizen to commit a crime, but he becomes a crime himself (Garner (2015). Crush and Peberdy (2018), states that statistics for police operations regularly report the apprehension of “illegal immigrants” in the same breath as arrests for armed robbery,

car-jackings and rape. According to Crush and Peberdy (2018) officials and politicians from all parties subscribe to a discourse in which foreignness and criminality are assumed to be closely correlated.

The crime situation in South Africa is associated with the violent apartheid past. Kaminer and Eagle (2017), argue that the South African media is consistently filled with local stories of crime, violence and injury. Internationally, South Africa has an increasingly dubious reputation as a highly dangerous place due to its past political violence and a high level of criminal violence. A review in 2007 of violent crime in South Africa indicates that South Africa has had one of the highest murder and armed robbery cases than any other country globally ((Altbeker, 2007). The report concludes that South Africa ranks at the very top of the world's league tables for violent crime.

Even though some foreigners find their ways by committing criminal activities, foreign nationals are not the only ones to be blamed for the high level of crime in the country at large. This phenomenon has created fear in people living in the city of Durban. However not only they live in fear of being victimized, but also, they are victims of crime on a daily basis. For example, participant 3, a 30-year old male from Burundi who has been in South African for 16 years witnesses crime most of the time.

*The major issue that we are facing is the criminal activities which are going on here in the city. You cannot work freely using your cell phone or carry any electric device which may be seen as valuable items, which make you expose and feel unsafe to work. We having witnessed a lot of criminal activities especially in the area where I spend my time every day, by witnessing people nearly being killed due to the belongings that they would be carrying so. A few weeks ago, we experienced Philippines sailors who were just walking around to find a shop, but the criminals came to them and they stole cell phones and the same day, not even 30 min after we witnessed tourists being mugged by the thieves.*

Many other participants in this study reported experiencing crimes in their daily lives. Despite efforts by the government and law enforcement agencies to combat crime, African foreign nationals feel that no justice is being done to address their victimization. As such, they live in constant fear of their safety and security in the city.



Robbery, drugs and fake money are known to be one of the serious crimes faced by African foreign nationals in the city of Durban. When asked about the nature of violence and who is responsible in the city of Durban, some participants attribute this to the fact that Durban is a harbour town, open to the world at large. Its openness to the world make it easier for organised criminal activities between foreigners and some locals, Indians being the mostly accused dealing with drugs together with Nigerians who are their sellers. Likewise, house robbery, shop looting and physical beating or injury also are serious crimes facing African foreign nationals in the city, most of which happen during the so-called xenophobic attacks.

There is also a high level of murder and attempted murder among foreigners residing in Durban. These killings are mostly witnessed by fellow foreigners who might be friends or relatives of the victim. In this study, some participants have reported being eyewitnesses of the killing of their friends or fellow foreigners and at the end, no justice was done to the family or to the victim themselves only because the killed persons are “foreigners”.

The risk factors or causes of crime are crucial and need to be properly identified and effectively addressed if the combating of crime is to make any real sense. Hence, the rational use of “strain theory” to explain the causes of crime in the city of Durban. The theory believes that crime and deviance would be a consequence of a system that is to blame for unfairly holding back many of its citizens Lilly et al. (2010). Indeed, (Burger, 2007), recommends it should be clear that it is not enough to think of crime only in terms of manifestation, that is, the “where” and “how” of crime when it happens.

These strains – which include the inability to achieve valued goals, such as monetary success and status; the experience of negative treatment such verbal and physical abuse; and the loss of valued possessions - lead to negative emotions, such as anger, frustration, and depression. These emotions create pressure for corrective action and crime is one possible response Agnew (2015). The strains among locals is the result of lack of employment, lack of access to facilities, due to the poor service delivery by the South African government affecting the lives of local citizens, hence the blame on “foreigners” as to divert their anger since they cannot fight with the government. In this milieu, foreigners experience violence attacks on the belief that if attacked the government will deliver to stop the violence. For instance, Kaminer and Eagle (2017),

reports that the xenophobic attacks against people who have settled in South Africa that occurred nationwide during 2008 resulting in deaths and injuries are a form of political violence, as many of these attacks were driven by perceived competition for jobs and resources. To that end, the attacks can only be seen as the results of anger emanated from strains that exist among local citizens leading to crime, with African foreign nationals being the easy target.

### ***Xenophobic attacks***

Xenophobic attacks are the result of what is happening in society, foreigners being the easy target to be blamed for strains among community members. When asked about their experience of threats on their safety and security in the Durban, participants mentioned “xenophobia” to be one of the worst attacks they ever experienced in the city. The xenophobic attacks are a result of the strains happening in the society and the foreign nationals become easy targets. Since most foreigners are self-employed and those from the township come and see that they have achieved a certain success as compared to locals, this attracts hatred and jealousy because they haven’t achieved anything yet they know that their country is so rich but they are still poor. The immediate reaction is that locals turn to attack foreigners because they feel undermined, poor and abandoned.

Crush et al. (2013), point out that South Africa has been described as the most hostile country in the world towards refugees and migrants, but such attitudes should be understood within the country’s narrow conception of national belonging, endemic xenophobia and its apartheid past. Thus, the enduring inequalities in the South African society have roots in the apartheid history which have left a serious strain on the African majority who went through racial segregation and a serious level of discrimination affecting their socio-economic well-being. In light of the above perspective, apartheid becomes a serious element to consider when exploring the behaviours or the attitudes of local citizens towards foreign nationals living in their midst.

Adjai and Lazaridis (2013), define xenophobia as attitudes, prejudices and behaviour that reject, exclude and often demean a person, based on the perception that they are outsiders or foreigners to a community or society. In reference to the findings of this study, xenophobia appears to assume an even broader definition. Xenophobia, as understood in the local context, describes as a series of crimes against African foreign

nationals which are mostly violent in nature leading to physical beating, killing and the looting of goods as well as destroying of properties owned by foreign nationals. This as African migrants are the immigrant group that found to experience the behavioural consequences of xenophobia.

What the above suggests is that xenophobia cannot be seen as mere sentiments or negative attitudes towards 'foreigners' when in fact it involves murdering, robbery, and destroying of properties and goods owned by non-citizens. Viewed from a criminological perspective, the above-mentioned words are serious crimes in nature, therefore should be treated as such. By considering xenophobia as such, it should attract the attention of policymakers to think of the outcomes of the attacks so that they can implement policies as strategies or measures to prevent the outbreaks from happening but also to punish these crimes of massive destruction.

Nonetheless, most of the causes of the attacks against African foreign nationals are based on the wrong assumption that they are in the city illegally and want to compete with locals for the jobs in all sectors. These negative sentiments based on false assumptions lead to anger which it manifests in crimes during the outbreak of attacks. Indeed, xenophobic attacks are usually in the form of violence and looting targeting foreigners and their business. Participants have accused the politicians to be the one commanding xenophobia in the city, but not the people on the street. *"I am saying it was politically motivated. The king stood up and said that foreigners must be attacked this is a sure thing which I can say, it was all over the news"* (Participant 3). This was in reference to the infamous statements uttered by the Zulu monarch King Zwelithini who referred to foreigners as cockroaches. Hence, it can be argued that the persistence of xenophobia in the city is due to the fact that people occupying strategic positions ignite the attacks. This logic could also explain why there is no person being charged for criminal offences during the violent attacks on foreigners regardless of the extent to which foreigners experience violence.

The law enforcement agencies such as the South African Police Services have been of no help. Contrary, they are mostly accused by foreign victims of the violent attacks as being complicit, putting into doubt the impartial functioning of the criminal justice system. The criminal justice system also refers to the courts which in their dealing with matters involving foreigners don't seem to be impartial. It has been reported throughout

the literature and the findings of this research that a person can be convicted of a murder or the killing of a foreigner but in few days that person will be seen out on the street. This not only leaves the friends and family of the victims with fear but also leads to questioning of how the court deals with matters involving foreigners and locals. The answer provided by participants can be found in the last question of this study when asked what should be done to ensure their safety and security in Durban South Africa.

### *Unemployment*

Unemployment signifies a severe reversal of the active participatory processes that are vital to immigrant integration. Sen (1997), has pointed out that chronic unemployment can affect an individual's capacity for agency and increase the risk that their sphere of formal and informal influence will gradually shrink. It is an individual's employment history of earned income and income-based welfare contributions which determine in a decisive way her/his level of social security, benefits, insurance and eventually pensions. Unemployment has a long reach into individuals' life quality. The safety and security is employment, if you have a job you will get a safe place to live if you create opportunities safety will be secured. The issue of unemployment in South Africa affect mostly local citizens who seem to be lazy as per the participants in this study.

From observation and findings in this study, foreigners are in entrepreneurship crafting their own jobs, making businesses all over the city and become self-employed. And those who pretend to be employed are hired not on merit or in consideration of their abilities and capacity, if not qualification, but they accept to work in any condition just to survive. Calavita and Kitty (2005), has reported that most non-EU immigrants work in low-wage sectors of the economy such as domestic service, tourism, construction, and agriculture, but they are increasingly found in manufacturing too, especially in the small and medium-sized factories of the northeast. The problem is that these migrants working in low-wage jobs, some of them have qualifications, others have the ability and mental capacity to provide services to the host community, but because of hatred and the negative sentiments towards them, they cannot be treated humanely disregarding their human rights.

All the same, unemployment becomes a problem because not everyone is good at doing business. Those with qualifications should find jobs according to their qualifications, but due to a high level of discrimination and institutional xenophobia followed by

negative attitudes towards African foreign nationals, they end up in informal sectors and become businessmen/women, sometimes doing illegal business in the city just for them to earn a living. Unfortunately, there seem to be serious social issues within the informal sectors as well because of the huge number of unemployed local citizens who turn to the informal sector to earn a living. This creates a tension exacerbated by hatred of “foreigners” who are seen to be competing for jobs, even though they are self-employed. Hence, the risk of being victimized. In fact, (Moagi et al., 2018), confirms that in South Africa, xenophobia has damaged the informal employment sector, resulting in higher unemployment rates due to the displacement and burning of immigrant shops that employed South Africans.

The serious issue with employment is that African foreign nationals reported that they cannot find a job in the public sector, which is composed of government institutions. However, it has been reported that even in the private sector, African foreign nationals cannot secure a permanent job due to restrictive measures imposed by the government through the adaptation of the BBBEE. Within the private sector, people are hired to perform diminishing jobs such as cleaning, or another kind of activities neglected by local citizens because the organisation is willing to pay unacceptably low wage repugned by local citizens. This kind of works come along with victimisations such as verbal and physical abuse by the staff itself which extend to local citizens claiming that foreigners are stilling their jobs.

Again, unemployment becomes problematic because it puts the individual in the condition in which to seek for opportunities other than the formal ways. These opportunities may be criminal in nature where the individual becomes exposed to any criminal activity that can generate money. I have seen and I know some of the foreigners who are involved in criminal activities in the city for monetary gain. They mostly deal with local criminals whom they front. I once approached one acquaintance and asked him why he is doing such things.

*My dear, I have been in this country for almost 7 years, I have been sending my CVs all over and I have not been successful to find a job, even though I am smart and can work any job, so as a man, I have to pay my rent and I have also other needs as a human being. How do you want me to survive in this country without money? But also, as a normal man, do you think I can afford to sleep in*

*the street. No, it cannot be. That's why I have to find other means to survive, as long as I am not killing anyone. I get my stuff and sell them.*

There are increased criminal activities in the city with a high number of African foreign nationals being the perpetrators of the offences, of whom illegal business seems to be a norm, unfortunately with the involvement of the police through bribes. There is need therefore to integrate the foreign nationals in the mainstream economy in order to prevent these people from becoming a danger to the host communities.

### ***Drug dealing***

Drugs misuse is seen as a serious security issue within the city affecting both local citizens and foreign nationals. The existence of drugs in the city can be explained in the way that Durban city is the biggest harbour in the country and on the continent at large. Drug smuggling is among a number of illegal activities happening at the harbour, involving senior officials and highly profiled businessmen in the country. Even though there is a perception that foreigners come with drugs when looking at the country border and the harbour security control measures, it is not as simple as people might think to enter into the country with drugs without collaboration with some officials such as border patrol officers and other authorities within the city.

The findings of this study confirm the existence of a high level of drugs in the city of Durban, Nigerians being allegedly the great distributors of drugs to the buyers. Most Nigerians owned shops in the city are allegedly used as distribution centres, where people are referred to come and get drugs.

The worst part of drugs is the involvement of youth. Not only local youngsters are now taking drugs, but it has become an endemic disease involving foreigners and locals. The effects on the youth include a high level of drop out in school attendance. According to participant 11, a 40-year old male from Congo, who have been in South Africa for 13 years *“the high rate of those who take the drug is a threat to the safety of my children who are still growing. I fear that by association they might end up taking them and who knows what this will lead to, prostitution, crime and diseases”*. When asked about factors threatening the safety and security of African foreign nationals in the city of Durban, the majority of participants cited drugs as a serious threat to their safety and security. For instance, Participant 42, a 40-year old male from DRC, who has been in South Africa for 30 years said *“a lot of boys who are addicted to drugs are becoming*

*a real threat for everyone. As long as you carrying a phone you carrying a laptop or a bag you can be a victim of those boys anytime*". Listening to the above participant, one might say that the use of drugs in the city is one of the factors leading to an increase in crime in the city. Most of those potential criminals are drug users and act under the influence of drugs. Not only that, but also not having money to buy drugs leads to committing criminal activities (theft) mostly phones as these items are easy to grab from the owner and easy to sell to make money and buy drugs. It becomes a serious issue that needs to be addressed if people have to be in peace in such a place.

### ***Language barrier***

Language is one of the threatening and intimidating factors used by locals in their daily interactions with foreigners in the city of Durban. It has been shown that a foreigner who can speak the local language "isiZulu" is safer than the one who cannot speak. The issue with the language in Durban takes place in public hospitals and public transports in the taxi industry. It has been reported that language barrier exposes foreigners to potential criminals in the city. Hence, the language barrier becomes one of the serious victimisation tool experienced by some African foreign nationals living in the city affecting directly their safety and security. This component will be answered in the following research question as one of the factors threatening the safety and security of African foreign nationals living in Durban South Africa.

### ***Physical appearance: Skin shade***

The colour of skin has been identified as one of the causing factors of threats among African foreign nationals in the city. Most of the African foreign nationals have complexion different from the local citizens which seems to be bright than the majority of African foreign nationals with the dark black colour of their skins. This has been an identifying feature of foreign nationals mostly African and has put them to be an easy target. The South African population is mostly comprised of black people, and most of the foreigners are blacks from other African neighbouring countries. The distinction of who is a foreigner and who is a citizen is not always easy through physical appearance, but because of the shade of skin, it is easy to differentiate a foreigner from a local citizen without even referring to any other feature of the individual such as the language. Participant 42, a 40-year old male from Congo, who have been in South Africa for 30 years felt exposed by his appearance.

*The colour of my skin is also a big threat to my safety and security in Durban. Most of the South Africans in Durban are associated with light skin hence being 'very dark' is easily singled out to be a foreigner which might lead to xenophobic attacks, abuse and being stereotyped.*

In addition, during the xenophobic attacks, the shade of skin plays an important role when choosing who is not from here and who is a local. It is unfortunate that some of the local citizens become victims of xenophobia due to the tone of their skin similar to foreigners. Together with dressing and language, appearance also compromises the safety and security of African foreign nationals who become easily identifiable during tensions within the host communities.

### ***Local authority***

Local authorities are leaders of communities involving all stakeholders among whom, government civil servants, law enforcement officials, and local community leaders within the host community of the province. Once a foreigner joins the province they become members of the host community and fall under the jurisdiction of the local and provincial authorities operating within the province.

As it is known, South Africa is a signatory to different international legal frameworks and treaties giving them the right and power to welcome foreigners from all over the world and provide them with adequate protection. It is unfortunate that when in the host communities these foreigners seem not to be accepted by the local communities and become a threat to the members of the community due to the negative sentiments or attitudes that local citizens have towards them. These negative attitudes are the expression of lack of knowledge of "who" a foreigner is and why he/she is here.

The local authorities have a duty to gather their population and inform them about these conventions with the international community that demands the welcoming and hosting people from other countries mostly refugees and asylum seekers in their midst. Local communities need to know that the South African constitution allows migrants to temporarily or permanently stay in the country. In some cases, the very same authorities become the ignitors of conflicts which cause tensions among the two groups. By so doing, peace, cohabitation and social integration become hard if not impossible as discrimination becomes alive at all levels of society. Local authorities have become a



threatening factor on the safety and security of foreign nationals mostly Africans who find themselves in the city.

The concept of “Human Security” reviewed in the theoretical framework of this study refers to “community Security” which aims to protect people from the loss of traditional relationship and values and from sectarian and ethnic violence. Community security is affected when local authority fails to ensure cohesion. The outcome of their contribution to the negative sentiments or attitudes towards foreigners in their jurisdiction affects directly the human rights of foreigners hence political and community insecurity is present.

### ***Health risks***

It is widely acknowledged that South Africa has the largest HIV epidemic in the world with the KwaZulu-Natal province having the highest prevalence rate in South Africa with 16.9% (Shisana et al., 2014). The majority of people living in South Africa, and in Durban, in particular, are aware of this figure including foreign nationals and participants’ reflections on this have already been presented. The prevalence of HIV in the city is by its own seen as a security threat and a serious health risk because as per some participants, there is too much risky sexual behaviour that accompanies foreign nationals’ poor conditions of life. The poor hygienic living conditions such as overcrowding, and consumption of unhealthy low-quality food have been reported to be threatening factors to the safety and security of the people living in Durban.

The health risk is thus one of the threatening factors to the safety and security of African foreign nationals living in the city of Durban due not only to the high level of infectious disease in the city but also to other elements such as air pollution, and food consumption.

The health risk is compounded by the fact that due to lack of employment or income; people mostly African foreign nationals only rely on the already strained public hospitals because they cannot afford to pay for their treatment at private hospitals. In Durban like elsewhere, private hospitals are known to provide good and quality treatment to their patients, unlike the public hospitals where treatment is poor, mostly when it comes to foreigners who first have to deal with language barrier issues with health care practitioners.

The extent to which African foreign nationals experience threats on their safety and security is massive and the nature of the threats is varied. These include crime, xenophobic attacks, unemployment, language barrier, appearance, drugs, local authority and health risks. Each participant has experienced at least one or more of the above if not all of them. Discussing the safety and security within the criminology lens demands that we understand the factors that contribute to these threats. These are discussed below.

### **Factors that threaten the safety and security of African foreign nationals**

The threats to the safety and security of foreign migrants can be read from different perspectives. As already noted in the findings chapter, they are broadly categorised into economic and security challenges as well as section social challenges. These are in turn discussed below.

#### ***Economic Challenges***

There is a serious problem within the host city when it comes to economic challenges, not only in South Africa but in migrants hosting countries worldwide. In South Africa, there is a huge number of unemployed local citizens who make their lives in informal sectors. African foreign nationals are intensively restricted from accessing to formal employment, making their route to the informal settlement. The option of informal settlement is one of the fact putting them at risk because of the huge number of unemployed citizens are found in an informal settlement. Despite their level of education, qualifications they hold - either from the country of origin or from the local universities -, and also other important skills, African foreign nationals' participants in this research have demonstrated a serious challenge when it comes to economic security. Knowing that economic security means that an individual should have a basic income, usually from productive and remunerative work or at least from a public safety net, the finding in this study demonstrate that participants cannot secure a job in public institutions due not only to discrimination but also to serious restriction policies encumbering their chances of being admitted in both government institutions and the private sector. This police include BEEE, a landmark policy aimed at reversing the historical marginalisation of Black, Coloured and Indian people in the country. The policy outlines a scorecard that promotes non-white ownership, management, procurement and capacity building to 'push' out the apartheid legacy (Chopra, 2017).

By extension, the Employment Equity Act of 1998 outlaws all forms of unfair discrimination in the workplace. It required employers of more than 50 people to take affirmative action in order to achieve representative employment of Black people in all occupations and organisational levels within a particular period (Reddy, 2008).

Even though the South African government implements various policies, strategies and programmes under the BBBEE policy aimed at overcoming economic inequalities and underdevelopment Reddy (2008), the policies according to participants in this study are still exclusive but also discriminatory in nature when referring to the employability of African foreign nationals. It can be argued that this policy is exclusive because it automatically excludes foreigners from other African countries living on the South Africa land from accessing the job market and only consider local black South Africans. The BBBEE policy was thus considered to be a contributing factor to their misfortunes in acquiring employment.

A study conducted by (Parutis, 2014), has revealed that “it is hard to categorize migrants’ individuals as highly skilled or low-skilled because, in spite of their relatively high qualifications, they often occupy low-skilled positions”. The study further notes numerous case studies of migrants showing that a university degree gained in the country of origin does not guarantee migrants a skilled position after migration.

As a consequence, a huge number of African foreign nationals’ participants in this study are incomeless, putting them in an economic insecurity condition, affecting directly their human security with numerous consequences. Economic insecurities have a direct bearing on a number of human basic needs such as food and social security. As it can be noticed in the previous chapter, many participants in this study have confirmed struggling to feed or buy food because they are incomeless, or they are forced economically to buy cheap food which will later contribute to the deterioration of their health.

In reference to the conceptual framework “human security”, food security as one of the components of human security requires that all people at all times have both physical and economic access to basic food. This seems to be a nightmare for African foreign nationals’ participants in this study. As per the above findings, most of the participants are incomeless, meaning they live on a daily basis not expecting income, consequently

their diet is affected because they cannot afford to buy healthy food due to the poor economic implication.

The generalised response obtained from participants in this study was that most African foreign nationals are failing to sustain a good eating behaviour which eventually leads to early deaths because they constantly eat junky cheap food and end up suffering from malnutrition. The challenge of food insecurity owes to the economic insecurity, for example, the high rate of unemployment facing foreigners. Buying food on a daily basis requires finance, and someone who is not working cannot have easy access to food.

The economic security of foreign migrants is also caused by having access to the financial market. The issue behind the non-accessibility to the microcredit loan is that most of the African foreign nationals hold refugee or asylum seeker papers hindering them directly to access to this financial facility. Participants indicated that financial companies cannot give them loans, not only because of their migration status, but also the perception of attitudes that locals display towards foreign nationals mostly black thinking that they are thieves, criminals and they may run away or go back to their countries with the money borrowed to them. Again, most of the participants claimed not having collateral allowing the financial institution to give them a loan.

This can only exacerbate the economic hardships as most of the African foreign nationals don't have a starter-up stipend allowing them to do business. As a coping mechanism, they find their way out in informal sectors such as car guard, car wash and private security industry where they work for lower wages. The lack of a financial support structure provided by the South African government to African foreign nationals residing either temporary or permanently on the South African land not only leads to economic insecurity but also feeds into the intense discriminative sentiments and negative attitudes towards foreign nationals among the South African populace.

This is probably the reason why participants felt that the existence of any form of violence against foreign nationals in the city is condoned by the government which remain silent when it occurs. Until the government undertake the initiative to educate their people and explain to them "who a foreigner is" the tension will never end. Most of the participants in this study have negative views of the negligent government's response to xenophobic related crimes. The government can assist foreigners by accommodating them through integrative policies that open doors mostly in the job

markets by allowing them to have access to employment within the formal economic sectors.

Extant policies are restrictive as they hinder foreign nationals mostly Africans, regardless of their qualifications. There is a need for creating a supportive structure to the African foreign nationals whom, the government allow to dwell on its land through the international treaties they signed. This supportive structure should assist the government to honour their engagement to the international community and also dignify foreigners on their land through the respect of their human rights such as access to primary health care, employment among other social services.

The lack of assistance creates the feeling of insecurity among the participants since they are vulnerable to any opportunity leading them to get finance. They become an easy target of criminal activities due to poverty.

Together, the above economic challenges converge on the widely acknowledged fact that there is high unemployment level in the country. Scholars Theodore et al. (2017) reported that the South African economy is characterised by high rates of unemployment, widespread underemployment, and deepening inequality. This unemployment rate cause poverty within communities, which in turn triggers crime in communities including the city of Durban. But even if jobs are available, a foreigner, mostly from an African country is always in double jeopardy as they cannot secure a job, regardless of the qualification he/she holds. As previously mentioned in this study, the unemployability of African foreign nationals affects directly their income leading directly to economic insecurity, with the lack of permanent employment being the main issue experiencing African foreign nationals in the city of Durban. As already discussed, the economic challenge facing African foreign migrants is inextricably netted with their human security.

### ***Security challenges***

The security challenges of foreigners do not start within the host communities, but rather it starts before the concerned take the decision to leave the community or country of origin. The literature and findings of this research have shown different reasons for leaving the country of origin. Most of these reasons are security-based be it economic insecurity, political instability and so forth. On their way to the host country and community, foreign nationals face myriads of security challenges of which death and

physical injuries, as well as the loss of properties throughout the migration journey, are on record.

Nevertheless, even though migrants face security challenges throughout their way to host communities, it is unfortunate that their safety and security is of no guarantee within the host communities upon arrival. Depending on the socio-economic and cultural aspects of the host community as well as security-related issues, it has been reported that foreign nationals face multiple security challenges once on the land of the host country. When asked about threatening factors on their safety and security, participants cited among many, the altercations with local officials, impediments to a legal document, as well as the injustice system and corruption. On top of the previous security threat elements, there is an existing tension of negative attitudes among local citizens towards foreign nationals mostly from African countries. Consequently, the xenophobic outbreaks targeting African foreign nationals and their properties or goods causing deaths and displacement throughout the host country.

#### *Altercations with local officials*

The findings of this study demonstrate personal security to be a serious issue among African migrants living in the city of Durban. Gasper and Gómez (2015) provide that “personal security” extended across security from physical violence, from other crimes against life and property, and from accidents, abuse (including self-abuse, such as via drugs) and neglect. In comparison to the previous chapter, most of the participants who took part in the research highlighted that their personal security is violated as the local authorities are failing to protect them from corruption and physical violence be it violence from domestic abuse, violent individuals, sub-state actors to mention but a few. This is in contradiction with AdisÖNmez (2016), who wrote on human security when stating that personal security aims to protect people from physical violence, whether from the state or external sources, from violent individuals and sub-state actors, from domestic abuse, or from predatory adults. Now that participants have reported personal insecurity as one of their challenges in the city, this finding shows again, the extent to which their safety and security is affected if they cannot get the full protection of law enforcement agents, and local authorities within the city.

Crush and Chikanda (2015), concedes that many migrant entrepreneurs face constant belligerence and abuse, including written or verbal threats and insults, extortion for

protection by local leaders, police and residents, public intimidation through protests or marches and damage to the physical structure of shops, especially through arson. Similarly, in her study, Innes (2016), has reported that gang violence towards migrants and police brutality towards migrants, particularly black Africans have been well documented by the Greek and the international media. This report supports the finding “altercations with local officials” demonstrating that foreign nationals’ participants in this study are not the only one affected by police brutality, but it has been documented in another part of the world as per the finding by Innes.

### ***Impediments to legal document***

The impediments or the obstructions to access legal documents was mentioned by participants to be another threatening factor to their safety and security in the city of Durban. As per the ethical recommendation, all participants in this research have legal documents allowing them to temporarily or permanently stay in South Africa. The report of impediments to the legal document was made in reference to a huge number of African foreign nationals being rejected or denied access to legal documents by the department of home affairs in Durban South Africa. In the case of refugees and asylum seekers, a lot of issues have emerged with their documentation. As said earlier on, legal documents can be issued but their usage becomes problematic in the country at large.

Participants reported having legal documents, but the same documents are a serious hindrance to their progress because of the way they are seen by either employers or other non-governmental organisations. Some of the government officials are still unaware of those documents. The maroon refugee ID is still being looked at as a strange document to some citizens holding managerial positions in different institutions in both private or government. The permits are not acknowledged by some institutions like Banks, Hospitals, and in the municipalities where officials don’t even know such documents.

Most of the services that foreign nationals like to access using the same document are being denied. It becomes a hindering tool for a foreigner to access to facilities, mostly jobs and travelling.

*Together, the above challenges are compounded by corruption involving government officials and service providers.* The South African criminal justice system is reported by participants in this research to be an injustice system fuelled with corruption, mostly

when dealing with cases involving a local citizen and a foreigner. Most of the participants have reported the police as a component of the CJS to be in favour of local citizens than “foreigners”. This police behaviour conflicts directly with the argument by Barker (2006), stating that people want protection from dangerous criminals and expect the government to do what is necessary to make them feel secure; crime control is part of the democratic process. The partiality of police in dealing with cases involving local citizens and foreigners in favour of local becomes another element of fear, not only of fear but also it creates a lack of trust in the police and it increases the likelihood of victimisation of foreigners who are secondly victimised by the law enforcement agents because they cannot provide support to their cases.

By extension, it has been reported that when a foreigner is killed, they blame “xenophobia” as the cause of the incident, to mean that in South Africa when a foreigner, mostly from another African country is murdered or killed, the law enforcement tend to blame the act as xenophobic because they know there is no justice for foreigners, mostly refugees and asylum seekers. Cases have been witnessed and reported whereby a “foreigner” is killed by a local criminal without recourse. This attitude of law enforcement agents bring the participants to report the high level of injustice within the criminal justice system, putting foreign nationals at more risks of victimization making them live with fear.

Murder is a serious crime that any honest government would never let go unpunished, but by listening to participants in this research, it appears as if killing a foreigner is not seen as a murder but rather xenophobia sentiment as to alleviate or to lessen the seriousness of the case. Hence, there is no breach of the law when there is xenophobia against which punishment should be imposed. In this case, any act committed under xenophobia should be considered merely as a sentiment, but not a criminal act of which punishment should or must be imposed. Again, this goes into contradiction with the statement of the then president Thabo Mbeki who was quoted stating that:

*What happened during those days was not inspired by possessed nationalism, or extreme chauvinism, resulting in our communities violently expressing the hitherto unknown sentiments of mass and mindless hatred of foreigners – xenophobia ... I heard it said insistently that my people have turned or become xenophobic ... I wondered what the accusers knew about my people which I did*



*not know. And this I must also say – none in our society has any right to encourage or incite xenophobia by trying to explain naked criminal activity by cloaking it in the garb of xenophobia. Cited in Dodson 2010, 7).*

The then president Mbeki acknowledged that what happens during violent attacks against foreign nationals is rather naked criminal activities than xenophobic attack. This is because during the outbreaks serious crimes such as murder, arson, assault, house robbery, housebreaking, property damage, looting, physical violence and verbal abuse are features of the attack against foreign nationals which by nature are criminal acts. It then attracts my attention as a criminologist, when the CJS appears to be silent in regard to these criminal acts of which they should be the first to intervene in terms of their mandate, mission and role which is to control and prevent crime; to identify, apprehend, and bring to trial those who violate the law; and to devise effective methods of criminal correction.

Again, this brings us back to the claim of participants reporting that the CJS is unjust or unfair and corrupt because it has failed to reach its expectation by the public of whom, African foreign nationals' participants in this research represent the “minority group” in the city of Durban and in South Africa as a country.

Consequently, the non-punishment of offenders of these crimes appear to be the encouragement and support of the acts of which there are no deterrence measures taken by the CJS, encouraging potential offenders to carry on with their criminal activities of whom African foreign nationals are the easy target. It becomes problematic when police officers entitled to uphold the law and protect all individuals who find themselves in their jurisdiction from any threat.

Again, this leads us to the point raised by Siegel and Worrall (2013), stating that if the justice system operated in an effective manner, most potential criminals would be deterred from crime. The few who broke the law would be apprehended, tried, and punished so that they would never again risk committing a crime. Siegel and Worrall (2013), point out that effective law enforcement, strict mandatory punishment, and expanding the use of prison are the keys to reducing crime rates. Nevertheless, it can be argued that if the system could be made more efficient, few would be tempted to break the law and its effectiveness would be improved. Hence people regardless of race,

ethnicity, religion and nationality will be safe from dangerous criminals or safe from any threats to their safety and security.

### *Social Challenges*

Corruption as already alluded to is a social ill that affects the safety and security of African foreign nationals. According to Huisman and Vande Walle (2010), mainstream criminology generally works within the criminalization of bribing. Bribing has an active side of offering bribes by the ‘corruptor’ and a passive side of accepting bribes by the ‘corrupted’. In fact, Huisman and Vande Walle (2010), concede that the selection of theories is based on the assumption that corruption is mostly committed by agents operating in the context of organizations. (Dimant and Schulte, 2016: 2), concur that corruption has fierce impacts on economic and societal development.

Again, “corruption is one of the most dangerous social ills of any society. Like a deadly virus, corruption attacks the vital structures that make for society’s progressive functioning, thus putting its very existence into serious peril” Dimant and Schulte (2016). Nevertheless, the concept of corruption in this study was generated when reporting the issue of housing. Housing in South Africa is generally a contentious issue that is usually seen as political. Participants who took part in the study highlighted that access to housing is a big problem for poor and needy South Africans hence foreigners are not spared at all when it comes to that. Participants have acknowledged that access to housing is part of their human rights, but unfortunately not afforded to them by the government.

Due to lack of access to housing, African foreign nationals establish informal settlements which further exposes them to attacks. (Cirolia et al., 2017), observe South Africa to be a revealing case in the study of informal settlement. According to Cirolia et al. (2017), more than 1.3 million households in South Africa live in informal settlements, without access to adequate shelter, adequate services or secure tenure.

Foreigners do face serious problems when they decide to live in informal settlements with a high number of poor citizens living in squatter settlements or shacks. The negative attitudes of local citizens towards African foreign nationals is another factor causing foreigners not to live in townships where the accommodation is cheaper. Consequently, they have no option other than going to find accommodation in town or urban area because they seem to be safe and comfortable despite that flats are very

expensive and to some extent unaffordable. As a coping mechanism to the rental problem, which is very expensive, foreigners apply the “sharing strategy” which allows them affordability to pay the rent. The sharing strategy is a strategy whereby three to four or more foreigners rent a flat and share rooms among themselves for the affordability of the rent money. These rooms will again be shared depending on the limit number of people the room can contain; some single rooms can host five to six people allowing them to easily pay the rent but also to save money for other expenses including remittances. Consequently, rooms or flats occupied by foreigners mostly from African countries are overwhelmed. This has serious health implications due to the living lifestyle affecting the welfare of people sharing the room.

That housing is not accessible in Durban, in fact, it affects everyone not only foreign nationals but also some local citizens, and foreign nationals prefer town because it’s safer comfortable. Participants highlighted that corruption is a problem they are facing in Durban as local authorities are threatening their existence in South Africa and are constantly blackmailing them to pay them the little money they have. It is unfortunate that the same foreigners who are striving to make a living, are subject to police bribery. Which renders their economic condition tougher because police officers extract money from them due to their status of non-nationals.

### *Language Barriers*

According to (Karliner et al., 2007), a language barrier, which is a communication barrier resulting from the parties concerned speaking different languages, has been shown to be a threat to the quality of hospital care. Acknowledging that patient safety is a prerequisite for good quality of care. However, the language barrier is one of the challenges experienced by participants in the Durban. In the city, the language is a serious issue, not only within the health care facilities, but it is a hindering tool for social integration within the Durban communities. The fact that they are not able to speak or understand the indigenous language makes foreigners fail to integrate into society. What is seen as a threat to the safety and security of African foreign nationals is a safety to the locals. Speaking their language, they feel you are one of them and they approach you, but if you can’t speak their language, they identify you as “foreigner” therefore a danger to them.

Another case of a language barrier is that African foreign nationals trying to access care in a public health facility, the ability to speak Zulu is a major determinant. Without a good command of the language, patients will not be able to explain their symptoms or to follow conversations loaded with medical terms. Participants reported that nurses might deny care or provide poor treatment to patients that could not speak Zulu. Healthcare providers would not seek out any interpreters, even when family members or friends were present and willing to help.

### ***Xenophobic attack***

The aspect of Xenophobia has already been addressed in previous sections. It has been argued that xenophobia is a series of serious crimes against foreign nationals -which are violent in nature leading to physical beating, killing and looting of goods as well as destroying of properties owned by foreign nationals. To mean that throughout the violent attacks', foreign nationals mostly from African neighbouring countries, experience crimes on multiple occasions.

Nevertheless, all societies, no exception, have their own attitudes while they are in contact with others. Some of them have prejudicial attitudes and negative sentimental feelings, whether conscious or unconscious, which are expressed in various forms such as physical violence and verbal behaviour, the latter is commonly used by individuals Salih (2016). However, it can be argued that xenophobic prejudice, exaggerated hatred towards foreigners, have significant costs for the targeted group because of these negative attitudes toward them. Salih (2016), reveals that what makes the matter worse is when these attitudes extend to the next generations. As a result, host countries generate derogatory terms and expressions to stigmatize individuals of out-group. The impact is numerous, and the government should ask if this behaviour is human and tolerable or what it plans to ensure the outbreak is prevented from happening in future for peace sake.

According to (Salih, 2016), xenophobia is something conscious. Feelings and sentiments are generated and reinforced in the mentality of hearers to achieve a particular goal. It is the case with immigrants, asylum seekers, and migrant labourers Salih (2016). The stereotypes faced by African foreign nationals in this study is due to both government officials' and local citizens' negative attitudes or sentiments they manifest towards African foreign nationals in the city. Among many of the stereotypes,

is the belief that foreigners not only are linked with crimes but also, they bring disease in the country, and they still jobs meant for locals.

These stereotypes become a key factor in discrimination but also create a tension between the two groups affecting the safety and security of the “outsider-group” who constantly live in fear. The manifestation of stereotypes is seen in different governmental institutions whereby foreigners are being denied access to facilities or taking slightly with careless due to negative sentiments. These stereotypes become not only triggering factors of xenophobia but also a serious threat to the safety and security of African foreign nations living in the city putting them at risks of being victimised. This according to (Tian, 2018), can be seen in various mechanisms of the crime control regime, with the migrant population being stopped and searched more frequently than local populations and experiencing a disproportionately high rate of police arrests and pre-trial incarceration.

*Xenophobia also culminates in discrimination and abuse.* As its most basic level, discrimination is simply a matter of identifying differences and can be positive or negative (Thompson, 2017: 10). However, Thompson provides an example that, “in driving a car, being able to discriminate between lanes of traffic is a very important and positive attribute. However, negative discrimination involves not only identifying differences but also making a negative attribution – attaching a negative or detrimental label or connotation to the person, group or entity concerned. That is, it is a question of certain individuals or groups being discriminated against” (Thompson, 2017: 161).

Discrimination in this study is manifested in denial of rights, racist and prejudicial treatment, and limited access to quality public services, such as health care. Episodes described by participants ranged from indifference to violence (physical and psychological), including intimidation and mockery. Different expressions of discrimination and mistreatment associated with language barriers were narrated by participants. Discrimination appears to be an exclusionary tool used by locals towards foreigners which directly or indirectly affects the human rights of the individual subject to discrimination. However, participants in this research reported high levels of unemployment in the city as a result of excessive discrimination and exclusion in the labour market. By being discriminated, foreigners find it hard to integrate within the host community because of the feeling of the “unwanted”, they feel not liked by the

locals and tend to isolate. The issue with discrimination is that it affects the human rights of the individual due to its exclusionary nature, hindering the person to access to what he/she is entitled to.

Consequently, there is hardship in someone's life producing a situation of uncertainty and fear of the future. One form of discrimination in this research is the application of the BBBEE within the public and private sectors. This policy allows employers to overtly manifest discriminatory behaviour on the disadvantage of foreigners seeking jobs. As discussed earlier on, the policy allows employers to consider hiring local black citizens on the detrimental of other group populations targeting mostly African foreign nationals living in the country at large.

The cases of abuse documented in this study ranged from lying to patients and their families to forcing unwanted and painful procedures on patients. In many cases, the abuse involved several types of mistreatment. The most commonly reported form of abuse was yelling, which often occurred in combination with other types of mistreatment. According to the participants in this study, the motivation behind the abusive treatment is due to their status of being 'foreigners'. It has been reported that physicians and nurses would yell out disrespectful remarks along with commands or orders. Consequently, many of the participants felt powerless after being yelled at by a health care provider.

Those foreigners mostly refugees and asylum seekers who wanted to further their studies in the country also reported facing hardship to access education because it is very expensive. Also, it has been reported that even a huge number of local citizens do not have access to education because of their poor socio-economic background. The non-accessibility to education among local citizens becomes a limitation to get access to employment due to lack of skills, this leads local to find means to make a living, hence some turn to criminal activities.

For foreigners, education is not easily accessed, and even if accessed, it is not a guarantee to find a job because statistics show that most of the foreigners leave their countries of origin with qualifications, but once in the host communities, they turn in informal sectors since they cannot find employment of their qualifications within formal sectors. It is unfortunate that even those foreigners who got the opportunity to further their education in South African tertiary institutions can still not have easy

access to education due to a number of elements among which discrimination and the existence of exclusionary policies such as the BBBEE policy. Education for African foreign nationals living in the city of Durban is not a guarantee to secure a job regardless of whether the individual came to the country with the qualification or obtained the qualification in South Africa. Consequently, not only unemployed foreigners find their ways in informal sectors (selling on streets), but also, they get involved in criminal activities for them to make a living.

In effect, turning back to the literature, it is believed that “education can reduce criminal activity by affecting an individual’s labour market prospects, predominantly through increasing wages and increasing an individual’s probability of employment” Bennett (2018). (Bennett, 2018), is of the view that education builds human capital which leads to higher wages. To mean that by attaining a certain level of education, mostly tertiary education, it opens doors to employment with an increased wage which allows sustainability or economic security in one’s life.

Likewise, Bennett (2018), believes that increased wages increase the opportunity cost of crime, thus reducing an individual’s propensity to engage in criminal behaviour. Again, if employers see education qualifications as an indicator of potential productivity, education can increase the probability that an individual will be employed. Having a legal job reduces the financial need for illegal wages through crime, also lowering an individual’s propensity to engage in crime (Bennett, 2018). Even more, Lochner (2011), identifies that the effects on employment and wages are the most prominent reasons why education can reduce crime. Education can also have direct effects on the individual, shifting individual preferences away from crime. In fact, (Lochner and Moretti, 2004: 183), argue that education alters an individual’s preferences, leading to increased risk aversion and patience. Risk-averse individuals may engage in less crime due to their desire to avoid possible incarceration, while more patient individuals are more willing to invest in the time required to obtain an education for higher future wages.

From this review of the literature on education, it can be argued that the non-accessibility to education by African foreign nationals in the city, is a prospect factor to future unemployment hindering them to secure good waged employment, and also it opens doors for them to do otherwise, meaning become “dealers” with involvement in

criminal activities affecting not only their safety but also the safety of the neighbourhood and the city at large. To that end, a number of studies have established that education reduces crime. Not having access to education increases the likelihood of involvement in criminal activities.

*Xenophobia in South Africa is also marked by violent attacks.* These include crimes such as murder, assault, robbery and rape Bezuidenhout (2011). Indeed, violence and crime have been acknowledged to be features of the xenophobic attacks against African foreign nationals living in Durban. Even though crime in the city affects everybody as shown in this research, it can be argued that violence is the manifestation of xenophobia in the city of Durban and in the country at large. African foreign nationals are targets of some specific crimes when identified as “foreigner”. A number of foreigner participants in this research reported having been victims of violence in the city. During the attacks, participants reported having experienced violence like physical violence, looting of their business, the killing or murdering of friends or relatives and verbal abuse.

However, cases of violence and crime are recorded in this research to be murder or the killing of African foreign nationals as witnessed by the family or friends of the victims and assault. Also, robbery is highly reported as one of the crimes experienced by African foreign nationals in the city which happens mostly during the xenophobic attacks. House robbery and the looting of business owned by foreigners are also other violent crimes experienced by African foreign nationals affecting their safety and security in the city. The identification of violence and crime as some of the experience faced by African foreign nationals in this research can be explained by the persistence prejudice and stereotypes, but also the negative attitudes or sentiments held by local citizens and some local authorities towards African foreign nationals living in the city putting them potential targets to be victimised.

### ***Social well-being challenges***

Migrating to a new country represents a major change in many aspects of life and is likely to affect both sudden and long-term aspects of well-being in a myriad of different ways. According to Stillman et al. (2015), migration appears likely to offer improvements in well-being through raising incomes, by providing hope that the future will be better for the migrant and especially for their children. A better life can be



achieved through providing access to health facilities that enable direct support for anxiety or depression, through providing access to a developed country safety net system that better ensures the household against unemployment or other shocks. Likewise, (Stillman et al., 2015), concede that migrants generally experience large gains in material well-being by moving to where incomes are higher. That said, studies of the happiness and subjective well-being of migrants suggest that they can be unhappy and dissatisfied Bartram (2011: 79). (Stillman et al., 2015), suggest that “migration usually does not bring improved social well-being and instead may result in an increased risk of mental disorders”. The various aspect of social well-being includes health risks, lack of access to basic health care and absence of human rights which are the challenges faced by African foreign nationals’ participants in this research.

### *Health risks*

Health risks have been identified in this research as one of the threatening factors to the safety and security of African foreign nationals in the city of Durban. Participants have reported being at risk of exposure to cholera, TB, HIV and AIDS. Many foreign nationals’ males are very active in sexual activities with young ladies who are becoming increasingly vulnerable to HIV infection as they progress from youth to adulthood putting them at risks of being exposed to not only HIV but to many other sexually transmitted infections (ITs).

Food-borne diseases (e.g., Listeriosis) have been reported in this research by some of the participants to be a serious health threat amongst African foreign nationals who do not have access to good quality food. Most foreigners live in poverty, with poor income or inexistent income affecting their eating behaviour, hence they are forced to buy cheap unhealthy foods. These foods are serious health threats since some (e.g., meats) are contaminated. The cheaper prices attract poor people among which foreigners. This happens because they cannot afford to buy expensive food, at the end of the day the health of the individual is threatened.

Health risks should be dealt with because if a person is exposed, it can create health-related problems that can lead to death or other health complication affecting the well-being of the person. Health risks are serious threats to the safety and security of not only foreign nationals’ participants in this research but also to local citizens who are unaware or have no means to protect themselves at being at risk. By tackling the issues

related to health risks, the entire population is protected, and further risks are prevented for the well-being of the community. Hence, there is an urge that the government should improve its service delivery in the health sector, but also identifying and create measures to stop or curb any factor that might put people particularly African foreign nationals at risk.

Other factors that affect the social well-being of African foreign migrants have already been discussed. These include lack of access to health care which is compounded by xenophobia, financial resources and language problems. Access to basic health care is one of the fundamental human rights of an individual. Lack of or limited access to health care amongst African foreign nationals is another factor affecting their safety and security in the city. Rich people choose to go to private clinics or hospital where they expect to get highly standardised treatment at a high cost. Government-owned health care institutions where the general population go for free treatment including African foreign nationals' participants is not easily accessible either.

A lot of factors hindering African foreign nationals from accessing health care have been mentioned. It is imperative that the government should ensure a monitoring mechanism on how their nurses deal with cases of different patients but also and specifically how "foreigners" are treated at its hospitals.

Together the experiences of foreign nationals in South Africa, and the factors that affect their safety and security can be considered as a human rights issue. Respect for the basic human rights of all persons in each society offers an essential, accountable and equitable basis for addressing and resolving the differences, tensions, and potential conflicts that interaction among different persons and groups with different interests inevitably brings Taran (2001). Even more, Taran (2001), reports that there is more than enough experiential and anecdotal evidence to state categorically that violations of migrant's human rights are so generalized, widespread and commonplace that they are a defining feature of international migration today. Taran (2001), acknowledges that in many countries, legal application of human rights norms to non-citizens is inadequate or seriously deficient, particularly as regards irregular migrants, those without authorization to enter or remain in the country.

In like manner, human rights is another social challenge faced by African foreign nationals that threaten their safety and security in the city of Durban. When responding

to the issues pertaining to their safety and security within the city, participants reported an absence of human rights as one of their social challenges affecting or threatening their safety and security within the city. It was reported by the majority of participants that their human rights are not respected, mostly when they visit public places where they can get assistance. Unfortunately, government officials or civil servants are directly accused as people who do not consider respecting the human rights of foreigners. Places like Home Affairs and public hospitals are the most cited in this research.

Participants have reported human rights abuse by home affairs agents when seeking for legal documents, for example when children of refugees are denied birth certificates. This has a long-term negative impact on the social life of the individual. Being denied documents by the home affairs jeopardises the life condition of a person, because in South Africa for each service you might seek, you need to provide a legal document such as an identity book (ID), marriage certificate or any other legal document offered by the government. Not having the document hinders the process and affect any assistance one might need. Hence it becomes problematic to function because of the limitations created by the system. For instance, being denied a legal document at home affairs complicates the situation in the sense that without a legal document to stay in this country, even at public hospitals, you will never be attended to by nurses regardless of the case. When it comes to employment, you cannot be employed without a legal document allowing you both to work and stay in the country.

In light of the foregoing, the next key question for this research is *what can be done to ensure the safety and security* of African foreign nationals in Durban South Africa. Various suggestions proffered by participants are discussed below.

### **Measures on Safety and Security**

Valtonen, (2016: 57), argues that societies are organised differently with respect to how they cater to the needs of their citizens. In some societies, the state takes a very minimal role in responding to the needs of its population. The family, their informal networks and organised bodies in civil society have a central role in catering for the needs. In other societies, the state is a central actor not only in providing for needs but also in honouring social security guarantees against risks such as sickness, unemployment and old age. When immigrants enter these systems, they seek acceptance on the same terms designed in the particular societies in which they settle (Valtonen, 2016). Nevertheless,

it can be argued that if migrants or foreigners are to integrate the host societies, they will need all the stakeholders to play a role in the process. Stakeholders such as the church, the family, organised bodies and the state should play a role in assisting the integration process of foreign nationals.

An analysis of the lived experiences of African foreign nationals in the city of Durban reveals different factors that threaten their safety and security. Participants have suggested some measures that if implemented within the host community, their safety and security may be improved. According to participants, the government has a huge and great role to play in implementing these suggested measures. These measures should be considered as resolutions for the problem stated within this research which can be implemented in similar migrants' host communities.

#### *Representatives for African foreign nationals*

One of the suggested measures for the safety and security of African foreign nationals living in the city of Durban is that they should have representatives within the host communities. These representatives should be working hand in hand with local community leaders in the way to provide an understanding of who a “foreigner” is and how should they be treated in the community. A serious challenge comes from how organised the foreigners are. As it can be seen in this research, participants originate from sixteen different African countries, they find themselves in Durban for different reasons. When talking about representatives, each country of origin should first have its own representative who then can come together with other representatives from other different African countries as to elect one representative for all or the African Union (AU) kind of structure. This organisation will deal with socio-political issues of each member of the organisation. The same should apply to African foreign nationals living not only in Durban but in South Africa at large.

The advantages of the above suggestion are numerous. The representative can serve as a gatekeeper for researchers but also as a reference to those who seek employment and documentation. This should assist to combat social disorganisation within the host communities and together with the host communities fight against crimes and drug usage. Here the government and community leaders should be able to identify different skilled migrants and use them to build strong and safe communities in the favour of the host community and the host country at large.

As it has been reported in this research, there is a high level of crime in the city and African foreign nationals have been reported to be victims of crime and other security threats, but unfortunately, the report confirms the injustice system or the non-existence of justice for African foreign nationals. However, with this representative, it can be much easier to do a follow up on each case or situation affecting African foreign nationals as the organisation will have to ensure that justice must be done.

Again, participants reported the need for having interpreters at public hospitals and public institutions such as DHA. The findings of this research demonstrate how participants are being victimized in public hospitals, in the taxi industry just because they cannot speak the indigenous language. Language barrier becomes another threat to their safety and security since it imposes limits in the communication. Inability to speak a local language is also used by some local citizens to intimidate those who cannot express themselves in that language.

#### *Call for the integration process*

Integration means immigrants' ability to participate in all spheres of society as the way to solidify their membership and belonging in the national community Valtonen (2016). According to (Valtonen, 2016), structural inequalities and different forms of social resistance inhibit individuals' and groups access to participation in economic and other critical areas of mainstream society. Socioeconomic integration is portrayed and can be measured by migrants' equal and proportional participation and representation in the areas of employment, education, health and housing.

Nonetheless, when tackling the issue of social integration, it becomes a complex situation because of the negative attitudes or sentiments that animate local citizens. First, in reference to the findings of this study, there is a serious issue within the labour market whereby African foreign nationals are not employed within the formal sectors. They don't have access to education due to lack of funding such as scholarships and bursaries not being able to afford the cost of the studies by themselves, the health care becomes problematic due to the poor treatment received at public hospitals. It has been reported that language barriers were one of their cause of victimisation. Those who could speak the local language were given attention, and those who could not speak were looked down at.

In fact, with the stereotypes and scapegoating, African foreign nationals find it difficult if not impossible to easily integrate within the host communities. This is not because they do not want to, but because of the experience of foreigners who live in the township. Literature shows that those who lived in townships with locals have experienced violence in different ways and have shared their experience within the migrants' communities. This can be observed by comparing the number of foreigners living in town and those living in the township. The majority live in the urban areas of the province due to fears of increased xenophobic attacks recorded in 2008, 2015 and 2019 across the country affecting the lives of thousands of African foreign nationals. In the townships, foreigners are not welcomed. Those who sought refuge in township due to cheap housing and cheaper life have seen themselves being violently attacked by local citizens due to the negative attitudes they hold towards fellow Africans.

Nonetheless, with the creating of the representations of African foreign nationals, there should be initiatives to start building social cohesion through workshops and other conflict resolution awareness campaigns that will lead the two sides to understanding the need of living together for the betterment of the whole society at large which will then prevent hatred and create a safe environment for all. This goes back to the South African constitution stating that "*South Africa belongs to all who live in it*". Hence, the call for the integration process.

#### *Migrants to participate in community programs*

According to the definition currently in use in the EU, integration is understood as migrants' ability to participate fully in the economic, political, cultural and civic life of the society. Integration as 'participation' has connotations of action rather than status, and of migrants as actors and agents in role-bearing categories. It signifies the ability of migrants to take an active and meaningful part in the life of the society (Valtonen, 2016).

Again, to ensure their safety and security in the city, participants requested that they should be allowed to participate in community programs. This can only be possible if there are social integration and social cohesion. But for this to happen, there is a need to have representatives who will then report to community leaders. The community leaders will liaise with the community members and the process should run smoothly through understanding and acceptance of African foreign nationals. The purpose of

participating in community programs is to remove the “fear” of the “other”, by being part of the activities of the community, there is social interaction which leads to cultural assimilation whereby African foreign nationals will be learning the culture of local citizens and abide by the norms and values of the host community. This can be an effective preventive tool of violence and can only bring peace if not security in both sides.

#### *Invent policies to address poverty and crime issues*

Human development in the currently globalizing world concerns social problems such as poverty and criminality. Poverty is a big problem for several developing countries in Africa, Asia and South America Pane (2017). The various disabilities of many people in society to fulfil their basic needs such as food, education, and health, not only have a direct impact on the low quality of life for the community, there is also an indirect effect arising from the poverty, such as negative effect on the stability of a country. In addition, criminality is a social impact arising from poverty. In the study conducted in Indonesia by Pane (2017), data showed that the 2015 poverty rate increased to 11.175%, the number of criminal acts dramatically rose to 205,170 cases in Indonesia. However, it was found there is a significant correlation between national poverty and criminality rate in Indonesia. Even more, (Pane, 2017), acknowledges that poverty is a situation of inadequacy or the inability of society to meet various needs such as clothing, food, shelter, employment, education, and knowledge, which poverty is very influential to crime.

In fact, it is well known that poverty is one of the root causes of crime in a particular community or state. Many people engage in criminal activities because of their severe poor life conditions affecting their access to basic needs. From the Strain theory perspective, this leads them to commit a crime to survive. Nevertheless, participants in this research are aware of the existence of a high level of inequality in the country at large. They have reported that most of the citizens who threaten African foreign nationals, or who commit crimes are living in severe poverty. Hence there is an appeal to the South African government to invent policies that should play a role in addressing poverty and crime issues in the country. This policy should be addressing the poor living conditions of the local citizens in a way that enhances their lives. Improved service delivery and other social services such as free access to education for those with

a very poor background can be helpful. The government can also consider skills transfer for those who have passed the age of schooling and who are unemployed but still can be trained in different entrepreneurship activities as to empower them after which empowerment they should be able to find employment in the formal economy. The government should have different initiatives to provide occupation to unemployed citizens. But also, when thinking of curbing crimes in the country, the government should also consider the number of foreign nationals, documented and undocumented who are unemployed and try to craft ways to cater for them. These migrants also contribute to the increase of crime within their host communities as it was made clear in the previous chapter. There is a need to change people's mind of resorting to criminal activities when they cannot be able to provide for their basic needs. By doing so, the government will have prevented and directly decreased the high level of crime in the country at large.

#### *Better skills transfer to community*

International labour migration is a powerful tool to reduce poverty for migrants themselves, their families, and their host and origin countries Fargues (2017). Likewise, Gibson and McKenzie (2014), point out that migration has been shown to be more effective at reducing poverty than other development programs. Despite that migration can result in positive economic and social benefits for migrants themselves and their families. Fargues (2017), confirms that migration can also reduce poverty and increase growth in host countries through increased productivity, new demand for and supply of goods and services, and more labour-intensive production. According to (Fargues, 2017), immigration also adds value to host countries through their skills and innovation, fostered by diversity. However, when conducting this research, it has been noticed that a lot of foreign nationals have different skills that can be of benefit to the locals. Participants have reported being able to provide or transfer skills to locals, mostly with poor background depending on their needs within the community. Participants believe that if given the opportunity to fully integrate the community, they can help locals to gain entrepreneurship skills that will then aid in poverty reduction. Again, this requires social integration and cohesion for foreigners to be able to deliver different training skills as per their area of expertise. Again, the government together with local community leaders should be in accordance with this offer which should be cheap



labour to allow poor families and households within the host communities to benefit from migration.

#### *Involve the government*

Participants have reported experiencing serious threats on their safety and security in the city of Durban. As mentioned above, the findings of this research have demonstrated different factors threatening the safety and security of African foreign nationals in the city. It is therefore unfortunate that participants have reported the government of South Africa not to be supportive in their challenges, and in some instances, the government has been blamed for supporting the locals during violence outbreaks. Government officials such as the South African Police services, the department of home affairs and other institutions have been reported to be in concert with locals when threatening foreign nationals mostly from African neighbouring countries.

However, as one of the suggested measures on their safety and security, participants in this research have called upon the government to directly get involved in addressing the challenges affecting their safety and security in the city. Participants reported that in most of their challenges (e.g., violent attacks, unemployment) the government is totally absent, they don't hear or see any government intervention in their challenges in the city. Hence the call for the government to acknowledge their existence and to give them positive attention in dealing with their socio-economic challenges in the city and in the country at large.

#### *Cooperation with the local authorities*

For integration to be effective, there must be a high level of cooperation between local leaders and foreigners. It is imperative that foreigners acknowledge the leadership of the host society and be submissive in order for them to gain trust after which these leaders will facilitate or negotiate their integration within the host communities. Nonetheless, African foreign nationals living in the city showed the need to cooperate with the local authorities of the community. This cooperation again is a way to build trust and accountability for any challenge facing foreign nationals in the city. By working hand in hand with local communities, the cooperation will be of great protection of foreigners within their communities and will be a platform for conflict resolution among the two groups. The role of local authorities is immense as they are

the ones controlling the mass and have the power to either ignite a fire or to seize fire when it erupts.

### *Revise the Migration Act.*

Immigration debates are politically charged since they simultaneously spark fundamental questions of national cohesion among majority groups who are faced with the need to update their understanding of the nation and polity, and to come to terms with their own position in relation to these (Valtonen, 2016). Although the state and government usually carry leading responsibility in policy formulation and implementation, the input of immigrants and other stakeholder organisations and institutions should be seriously taken into account in the policy-making process.

Immigrants would be represented proportionately in roles of all types and at all levels, horizontally and vertically in the society. They would be visible in the public life spheres as agents, contributors, decision-makers and societal stakeholders. This calls for a policy that would actually open up existing career paths to immigrants and minorities by facilitating equitable and open competition along upward as well as lateral mobility trajectories (Valtonen, 2016).

The call to revise the immigration Act is one of the concerns of African foreign nationals who feel that the Act is exclusionary. The Act is also one of the triggering factors of their victimisation and secondary victimisation experiences in their daily life in the city. Hence the appeal that the government should revise their immigration Act in order to accommodate foreign nationals who find themselves on its land. This revision should take into consideration the suffering of foreigners by for instance looking at the employability of foreigners and remove or lessen any restrictive measures with the purpose to accommodate the immigrants.

### **Conclusion**

The theoretical tenets of the two theories used in this study (human security and Strain theory) find expression in the findings of this study which show that whatever challenges experienced by African foreign nationals are due to the poor living condition in which the local South Africans find themselves. There is a perception that the government is unable to cater and satisfy its population, leading to poor service delivery. This poor service delivery has made a huge number of citizens being

unemployed, uneducated therefore displaying antisocial behaviour. Due to the anger created by strains, they tend to threaten foreigners accusing them of stealing their jobs and many other scapegoats and stereotypes. Foreigners become blameworthy and easy target leading to their victimisation.

The safety and security of foreign nationals are explained by human security whereby this group of people, have no access to employment affecting their income, therefore the economic conditions become severe, which in turn affect the access to good nutrition or diet. Again, there is the issue of access to basic health care where most of the African foreign nationals fail to access decent health care treatment. This affects their health security as they cannot afford to attend a private clinic where they can get good treatment due to financial hardship.

Further to the fact that African foreign nationals have limited if not zero access to governmental employment, they still face discriminatory treatment in many governmental institutions such as the criminal justice system and also the educational system. This again affects their political security when referring to the government attitude towards African foreign nationals.

With regards to community security, there is an existing tension of conflict of interests between the locals and foreigners. This is justified by the scapegoat and stereotypes against foreigners who are accused by local citizens of coming here to steal their jobs, taking their women, selling drugs and bringing diseases. These allegations put foreigners at risks because of the negative attitudes displayed by local citizens thinking foreigners are threats to their well-being.

Factors such as discrimination, exclusion and violence are real and alive within most of the South African host communities. Foreigners experience them and are in fact affected when locals turn into criminals. It can be argued that community security is about the 'freedom from fear' and 'freedom from want' of particular groups. To that end, we can see that foreigners live in and with fear of being victimised at any given time. The inaccessibility to the facilities within the community affects their livelihood leading to poor safety and security within the host community. If the suggested security measures are taken into consideration by the government and implemented, the safety and security of not only African foreign nationals but also local citizens within the host communities and in the country at large could be secured.

## **CHAPTER SEVEN**

### **CONCLUSION AND RECOMMENDATION**

Crime against non-nationals remains unpunished in South Africa. The Criminal Justice System (CJS) seems to ignore the existence of the phenomenon or they are part of the deal. The experiences by respondents in this study suggest there is little hope among migrants to reporting theft or assault to the police because nothing would be done. This as previous cases were opened but the perpetrators were rarely arrested and brought to court and stolen goods were rarely if ever, recovered.

The contribution to the knowledge of this research emanated from the combination of criminology, human security and the strain theory. The human security was used as one of the theoretical concepts to demonstrate the nature and extent to which foreigners experience threat on their safety and security. These threats were examined from a criminological lens. When talking about human security, we see components such as economic security, food security, health security, environmental security, community security, personal and political security. All the seven components of human security can be seen as triggering factors of threats to socio-economic and the social well-being of African foreign nationals in the city.

The economic security threat is visible in that African foreign nationals are not easily if ever employed by the South African government institutions. There are serious restriction measures such as the Broad-Based Black Economic Employment (BBBEE) policy, which has the sole mission to employ black South African on the detriment of people from outside, including some other South African races such as whites. The lack of employment amongst African foreign nationals affects their income leading to economic insecurity which then affects their social wellbeing.

Again, the lack of employment within the formal sector regardless of the qualification leads foreigners in the informal sector where they practice entrepreneurship. There is a huge number of local citizens too who, due to lack of education or poor service delivery by the South African government, find themselves in the informal sector. Now when foreigners who cannot find jobs within the formal sectors make their ways to informal sectors, they meet across local citizens with an already high level of hatred and negative attitudes towards foreigners, which then manifest into violent actions turning to xenophobia. Here, people are physically beaten, verbally abused and sometimes death

occurs in some circumstances. This is often accompanied by house robbery and lootings of goods with the objective to chase them and send them back to their home countries.

These crimes attract the attention of law enforcement agencies, policymakers and the criminal justice system at large to act and protect the individual victims. However, the criminal justice system also appears to have negative sentiments towards foreigners, the same as the local citizens. The reported matters are never resolved, even when the perpetrators are known. Hence the need for urgent measures to intervene in matters involving foreign nationals and local citizens so that justice can be done, and crime can be deterred.

The findings of this study confirm food to be a serious issue amongst African foreign nationals. African foreign nationals living in the city of Durban have limited access to decent jobs, which leads to poverty. The unhealthy eating behaviours due to poverty affect their health, leading to malnutrition and death. Food insecurity is a concern for criminologists since it affects human lives for which preventive measures should be taken into consideration by the host authorities.

When dealing with health issues in this study, two cases emerged health risks, and health challenges. Health risks are when people are exposed to anything that can badly harm or affect their good health behaviour. For example, some of the participants mentioned the use of drugs by both the local and foreigners in their living environment, which not only pollute the air they breathe but also affect the mental health of the consumers. Again, since South Africa is one of the leading countries in a high level of HIV/AIDS on the continent (refer to chapter 3), participants claimed to be exposed due to poverty. There are also challenges when it comes to accessing healthcare.

An alarming number of participants have reported not being able to go to a private hospital where they can get a better treatment due to lack of money, they then have one option to go to public hospitals or government-owned hospital for treatment. Again, the issue of negative attitudes by citizens who are supposed to provide help, the physicians and nurses working in public hospitals becomes a challenge. Participants have reported that when at public hospitals, the treatment they get is not matching with their sickness. Some reported having been given “panado” as a treatment of unknown disease. The diagnostic stage is inexistent at the public hospital when a foreigner report to be sick. Once discovered that you are a foreigner, the treatment becomes different and as per

the literature, this situation has affected thousands of lives of foreigners living in the country at large.

In addition, another case with the health challenge is the language, many African foreign nationals in Durban are still facing language barriers. In Durban, if you cannot speak IsiZulu, then you are a subject to victimisation. Literature confirms that victimization due to language barriers occur in taxis, public hospital and other private and governmental organisations. At hospitals, many foreigners have problems explaining their conditions because some of the nurses don't like to speak in English. When they find out that you are a 'foreigner' they pretend not to know English and start speaking in Zulu, just to make you feel that you are not from here and you should not be here to get access to citizens' facilities. Hence, there is the so-called "medical xenophobia". This poor treatment affects the lives of the patients which in some cases can lead to death mostly if the patient is unable to buy medicine or go to a private clinic. Again, the safety and security of this group of people are at stake.

The findings of this study confirm that there are huge usages of drugs and cigarette in the city. The consumers have no specific spots for their drugs taking. They take drugs all over which pollute the air of which surrounding people breath. Breathing the polluted air is a high health risk that is usually neglected. When the environment is not safe, the surrounding people are automatically at risk. The worse part of environment insecurity is that it affects everyone of all ages, local citizens and foreigners alike as they all are directly affected when the environment is not safe.

Another component of human security is community security. In this research, community security has been identified as one of the serious challenges faced by African foreign nationals. First, there is poor social integration, social cohesion, due to the stereotypes and negative sentiments towards African foreigners. They are accused of many social ills and are seen to be threats to the security of local citizens, with the label of job stealers. Another issue affecting the community safety of African foreign nationals is the belief that local authorities do not support but rather contribute to the tension between the locals and foreigners. It has been shown in both the literature and findings of this study how some local authorities ignite xenophobic sentiments by their public statement against foreign nationals on their land. Again, the same local authorities including law enforcement agents have been reported to be involved in

corruption or bribery with foreign nationals every time they ask help or if they are found into problems with the law.

Following is personal security. This component of human security is an important element to consider when dealing with the safety and security of individuals. It becomes problematic in the city of Durban and in South Africa at large which is known to be a crime capital of the world. This research confirms that anyone is at risk at any time in the city of Durban. There is a high level of crime in the city that affects anyone. Foreign nationals become targets due to their vulnerability since most of the criminals know that foreigners have no access to justice and if they have, they have serious limitation in accessing the criminal justice system in the city.

Lastly, we have political security, this component deals with how state agents and local leaders or the criminal justice system treat African foreign nationals. The serious case of political security in this research is the issue of the criminal justice system. Participants have reported the criminal justice system to be an injustice system. Law enforcement agents have been reported to neglect cases involving African foreign nationals against local citizens. The police officers are reported to take bribes from foreigners and another mistreatment when a foreigner is arrested with sometimes no reason. The Department of Home Affairs is another government institution which plays a dirty politics against foreigners. First, there is a high level of discrimination and violation of human rights within this department. Participants have reported having a serious misunderstanding with the agents of this department calling them names and telling them arrogantly to go back to their home countries. They are also made to wait for long hours in queues while officials sit in the offices doing nothing.

The most serious element of political security in this research is the issue of xenophobia. It has been confirmed throughout this research, including both the literature and findings that xenophobia is a mere politically driven phenomenon. First, there is a situation in which politicians, or the government has failed to deliver services to its population, that itself becomes an element of anger or frustration among poor local citizens. On top, when the government is aware of its poor service delivery, they seek to accuse “foreigners” of competing with locals for jobs and call them illegals. Not only do they accuse but, in some instances, they instruct local citizens to get rid of foreign nationals because they are the one causing unemployment in the country. This is how

the poor people, frustrated by their own conditions become eager to attack foreigners mostly from neighbouring countries who become their easy targets. It can be concluded that South Africans are not xenophobic but rather they are forced to behave as such due to the poor conditions in which they find themselves characterized by severe poverty, lack of education with a high level of unemployment, and intensive social inequality emanating from poor service delivery by the state. Hence, foreigners become blameworthy, therefore subject to violent attacks.

This leads to a new way of looking at the meaning of xenophobia generally defined as a mere expression of attitudes, prejudices and behaviour that reject, exclude and often demean a person, based on the perception that they are outsiders or foreigners to a community or society. In reference to the findings of this research, the concept “Xenophobia” can be seen from a criminological perspective. Xenophobia, as can be seen in this study, involves a series of crimes against foreign nationals -which are violent in nature leading to physical beating, killing and the looting of goods as well as destroying of properties owned by foreign nationals. In most cases, when talking about xenophobia in South Africa, we are referring to attacks on African foreign nationals. When it comes to the attacks of other colours or people from western countries it is not regarded as xenophobia but rather racism.

To that end, political insecurity becomes real and alive since the people entitled to protect and provide support to African foreign nationals in the city are the ones overtly igniting insecurity amongst foreigners making them live in fear with restricted respect of their human rights. These include restriction to employment through the adaptation of the BBBEE policy, poor access to health care with very poor treatment by health care physicians and nurses. All in all, the safety and security of African foreign nationals are threatened in all spheres of life in the city leading to increased criminal activities in the country at large.

In like manner, the strain theory was used to explain why locals turn to violence when they face “outsiders”. The theory explains that people engage in crime because they experience certain strains or stressors. These strains derive from the inability to achieve valued goals, such as monetary success and status; the experience of negative treatment such as verbal and physical abuse; and the loss of valued possessions. Strains lead to



negative emotions such as anger, frustration, and depression. These emotions create pressure for corrective action and crime is one possible response.

Historically, local citizens have been marginalized by the apartheid regime, of which effects are still alive today. Again, there is a serious shortage of employment among the locals with a huge number of uneducated householders. These breadwinners become dangerous when they are forced to provide for their families. This poverty, unemployment and social inequality make strains on the local victims of social inequality. The anger and frustration that come from strains when it persists are considered to be a threat to the security of the community.

The findings in this research demonstrate different threatening factors and experience lived by African foreign nationals in the city of which are the consequence of the strain generated by the persistent poverty and inequality. People are killed, house robberies, physical assault, verbal abuse, and sometimes arson are all the characteristics of crime that some African foreign nationals experience in the name of xenophobia. This urges for a re-definition of the concept “xenophobia” and attaches to it a real and relevant meaning as it is said in a Chinese proverb that “*the beginning of wisdom is to call things by their right names*”.

That said, the killing or murdering, physical beating, assault, house robbery, verbal abuse and the looting of goods and damage to properties cannot be summarised in the name of xenophobia but should be rather considered “serious crimes” as they appear in their nature. Hence, xenophobia is defined in this research as *a series of crimes against foreign nationals – which are violent in nature leading to physical beating, killing and the looting of goods as well as destroying of properties owned by foreign nationals*. By having this perception of the concept of “xenophobia” it should attract the attention of the government and its criminal justice system as well as policymakers with different stakeholders to come together and create measures or strategies to curb if not to eliminate these crimes against other people from other African countries who are allowed to temporary or permanently stay on the South African land. By taking into consideration different suggested measures in this research by participants, the government may be able to ensure the safety and security of African foreign nationals. There is a need to create a safe environment for both foreigners and local citizens through social integration and social cohesion throughout South African communities.

## **Recommendations**

Since the decision to leave the country of origin is characterised by threats to safety and security, with human security being threatened in a manner that the individual decides to leave his/her country of citizenship to the unknown destination with high risks in the journey, it may be helpful that the country of origins, followed by the International community that supposed to provide protection to the internally and externally displaced people seriously consider the plight of these people.

Factors such as conflicts, violence and human rights violations in African states have been key factors in the surge in irregular migration to South Africa. With the aid of the International community, African states should make efforts to address the chronic poverty, inequality, weak governance, climate and environmental changes that constitute push factors in many African states. However, political willpower is crucial at both a global and a local level if migrant's health and access to healthcare are to be assured.

There is a need that African states should reinforce conflict prevention mechanism by better managing ongoing conflict to prevent their consequences from expanding in time and space. The government together with local communities, civil society and other stakeholders should assist African foreign nationals to form an African foreign nationals Union (AFNU) in South Africa with a mandate such as in the African Union. This Union will oversee issues related to foreigners in the country at large in collaboration with the government, local authorities and different stakeholders at both national and provincial levels. The need to open a new policing branch that will be dealing solely with foreigner nationals' matters and training of officials in this department based on the international human rights laws and humanitarian laws may also be considered.

Further research should be conducted to understand how African foreign nationals' victims of violent attacks cope with the situation of insecurity they encounter in their daily lives, including the recovery of their goods or property damaged if not stolen throughout the attacks. Again, this will assist the government and different stakeholders to come together and implement policies which should deter potential attackers from committing similar or the same criminal activities against African foreign nationals living in their midst.

To sum up, Africa is the continent most affected by the localised conflict in the post-cold war period. Hence there is a need for unity in Africa. Peace should prevail and states should ensure the safety and security of the African populace in their countries and host countries.

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## APPENDICES

### Appendix A: INTERVIEW QUESTIONS

#### Semi-structured interview

##### **A. Identity of the Participant**

1. What is your name? Pseudonym
2. What is your age?
3. What is your country of citizenship?
4. How long have you been here in South Africa?

##### **B. Reasons for leaving home/Arrival to South Africa**

5. What motivated you to leave your country?
6. Why did you select South Africa?
7. Do you have a legal document allowing you to temporarily or permanently stay here in South Africa?

##### **C. Lived experiences in South Africa/city of Durban**

8. Having been living in Durban for a few years, what pressing issues do you face in your daily life?
9. About your social integration in Durban, how safe do you feel in the community?
10. In your normal lifestyle in the city, what do you think are threats to your safety in Durban?
11. Knowing your human rights, do you feel your human rights are respected in Durban? If not, why and who are the culprits of your human rights?
12. As part of the community, do you have a good relationship with local citizens? How is your relationship with the local citizens?
13. Education is not easily accessible by local citizens, how as a foreigner do you access to education in Durban South Africa?
14. Basic health care is one of your human rights, and one of the social services delivered by the South African government to its populations. As a foreigner,



- do you have access to health care? If yes, how are you treated with health care agents?
15. What are the health risks that you are exposed to and what are the causing actors for you to be at risks in Durban?
  16. Housing has been an ongoing issue in Durban South Africa, how do you access to housing in Durban, and who is of your assistance for you to get access to housing? Is there any government involvement or private organizations?
  17. With regard to your monthly income, do you have the ability to purchase food on a daily basis?
  18. Being a legal foreigner in the city, do you have access to any private or governmental microcredit program? Please explain.
  19. There is a high level of unemployment in the country at large, how do you access to jobs in a public or private sector?
  20. What strategies do you adopt in Durban for you to earn income?
  21. What are the livelihood activities you are involved in here in Durban?
  22. What are the major challenges or problems you always experience here in Durban as a foreigner?
  23. With your legal status to stay in South Africa, do you get assistance from the local or provincial government leaders?
  24. Have you ever conflicted with local or provincial leaders in Durban? Please explain
  25. What is the nature of violence that happens in this area, who do you think is involved?
  26. You have been victimized or may know of a friend or family member victim of a crime of threat, what are your experiences with the criminal justice system in Durban?
  27. When in conflicts with local citizens of government officials, what mechanisms do you use to resolve conflicts?
  28. In reference to previous violent outbreaks, why do you think anti-foreign violence occurs in Durban area?
  29. What do you think should be done and by who for your safety and security?
  30. What do you feel are your most positive attributes or characteristics as a migrant? What makes you feel special?

## **APPENDIX B: INFORMED CONSENT FORM**

Dear Participant,

Invitation to participate in a research

My name is Samuel Fikiri Cinini, a PhD Candidate in Criminology and Forensic Studies at the University of KwaZulu-Natal/Howard College Campus, Durban South Africa. I am conducting a study “*A Criminological Analysis on Safety and Security of African Foreign Nationals in Durban South Africa*” as part of the requirements for a Doctoral Degree.

From a historical perspective and which can be the reason for this study. In early 2015, South Africa experienced a new wave of violent attacks on collective violence targeting migrant-owned businesses in the country. After May 2008, when South Africa had witnessed a previous round of large-scale violence against migrants, a decisive shift had occurred in state discourses and management of xenophobia. The government stance towards xenophobia had moved from a lack of acknowledgement of its presence and policy neglect to public rejection and denial of its very existence in the country (Crush and Ramachandran, 2014). Whenever there are violent attacks on refugee and migrant businesses in South Africa’s informal sector, politicians, officials and commissions of enquiry deny that xenophobia is a driving force or indeed exists at all in the country.

Hence this attitude displayed by South African government officials has affected the political security (human security) of African foreign nationals exacerbating the violent attacks on African foreign nationals. This has led the researcher to conduct a criminological analysis on the safety and security of African foreign nationals in Durban South Africa, by trying to find out to which extent do foreign nationals experience threats on their safety and security in the city of Durban; What pressing issues threaten the safety and security of foreign nationals in the city of Durban; and to ascertain what should be done to ensure their safety and security in Durban South Africa. The research focuses on human security of African foreign nationals living in

Durban in reference to their human rights and human dignity as found in the international and national legal frameworks and treaties.

Therefore, you are invited to participate in this research which will be conducted in the city of Durban. Any information that is obtained in connection with this research and that can be identified with you will remain confidential and will be disclosed only with your permission. Please note that your name will not be included in the report and confidentiality will be maintained throughout the research.

There is no benefit and risk in conducting this study. First, as a participant, you will not use your real name but rather pseudonym will be used to avoid any threat. The interview will be conducted in a place of your choice and no harm is envisaged to both of us (participant & the researcher).

Your participation in the interview is completely voluntary. You have the right to withdraw at any time during the study. It will take you approximately 45 to 60 minutes to answer the interview questions that will be tape recorded. I appreciate the time and effort it would take to participate in this study.

Thank you.

**APPENDIX C: CONSENT FOR PARTICIPATION IN INTERVIEW RESEARCH**

I, ( ..... ) hereby consent to participate in this study “A Criminological Analysis on Safety and Security of African Foreign Nationals in Durban South Africa” after the researcher has fully explained, and I have clearly understood, the research purpose and process.

I understand both the nature and conduct of the study. This includes understanding that:

- The participants’ identity will be kept confidential, and the information he/she provides will be used only for the purposes of the current study; and
- The participants may, at any stage and without any consequences, withdraw consent and participation in this study.

I have had sufficient opportunity to ask questions and, of my own free will, declare myself prepared to participate in this study.

**Participant:**

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**Printed Name** **Signature**  
**Date**

**APPENDIX D: VERBAL AUDIO RECORDING INFORMED CONSENT**

I, (.....1), have explained fully to the participant (.....2) the purpose and process of this study as contained in the Participant Information Sheet.

The account I have given has explained the nature of audio recording for the study. The participant’s identity will be kept confidential unless they specifically ask to have their real name used. The recordings will be used only for the purposes of the current study. The participant understands that the audio recording will be typed up and that excerpts from it may be used in the study’ s final analysis and report.

The participant indicated that he or she understands that he or she will be free to withdraw consent to be audio recorded at any time and for any reason.

I hereby certify that the participant has agreed to be audiotaped during this study.

**RESEARCHER:**

**Printed Name**

**Signature**

**Date**

1 Researcher’s Name

2 Participant identification

**APPENDIX E: ETHICAL APPROVAL LETTER**



13 March 2018

Mr Samuel F Cinini 208530159  
School of Applied Human Sciences  
Howard College Campus

Dear Mr Cinini

**Protocol reference number : HSS/2063/017D**

**Project title:** A criminological analysis on safety and security of African foreign nationals in Durban South Africa.

**Full Approval – Committee Reviewed Protocol**

With regards to your response received 18 January 2018 to our letter of 18 December 2017, the Humanities and Social Sciences Research Ethics Committee has considered the above-mentioned application and the protocol has been granted **FULL APPROVAL**.

**Any alterations to the approved research protocol i.e. Questionnaire/Interview Schedule, Informed Consent Form, Title of the Project; Location of the Study, Research Approach/Methods must be reviewed and approved through an amendment /modification prior to its implementation. Please quote the above reference number for all queries relating to this study. Please note: Research data should be securely stored in the discipline/department for a period of 5 years.**

**The ethical clearance certificate is only valid for a period of 3 years from the date of issue. Thereafter Recertification must be applied for on an annual basis.**

**Best wishes for the successful completion of your research protocol.**

Yours faithfully

  
.....  
**Dr Shamila Naidoo (Deputy Chair)**

/px

cc Supervisor: Professor Shanta Singh  
cc Academic Leader Research: Dr Jean Steyn  
cc School Administrator: Ms Ayanda Ntuli

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Humanities & Social Sciences Research Ethics Committee

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