

The Convergence of Economic Inequality and Illegal Migration

Security Implications for South Africa

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Abstract

This study explores how economic disparities across Africa, particularly the perception of South Africa as a post-1994 economic haven, drive illegal migration. Widespread poverty and inequality contribute to irregular migration, often met with rights violations by law enforcement and immigration officials. These include unlawful arrests, detentions, and deportations that contravene South Africa's constitutional protections. While some link immigrants to crime, recent data shows that residents commit most crimes. This highlights the need for nuanced policy discussions. The research examines the socioeconomic roots of illegal migration, its implications for national and human security. It offers policy recommendations to address the intertwined issues of migration, poverty, and social instability.

Keywords: illegal migration, poverty, crime, economic disparities

Introduction

The economic landscape of South Africa, compared to other African nations, has been identified as a significant driver of illegal migration. This phenomenon is largely attributed to the pervasive poverty and high levels of inequality prevalent across the continent, with South Africa often viewed as an economic beacon following the 1994 elections. However, the unfortunate reality is that law enforcement and immigration officials are frequently found

to be disregarding the rights of foreign nationals, including routine violations of immigrant and employment laws. These breaches, encompassing arrest, detention, and deportation procedures established by immigration acts, result in the infringement of migrant rights as enshrined in South Africa's constitution, which emphasises principles of human dignity and privacy.

Consequently, many immigrants enter South Africa through illegal channels, which presents significant challenges for social integration and law enforcement efforts. While the relationship between immigration and crime is complex and multifaceted, some studies suggest that certain immigrant populations may become involved in criminal activities, including drug trafficking, gun-running, prostitution, and human trafficking. However, it is essential to acknowledge that recent statistics from the Police Ministry (April 2024) indicate that residents, rather than immigrants, commit a significant proportion of crimes. This underscores the need for nuanced discussions and policies that address crime in a broader socio-economic context, recognising that both immigrants and local populations can be affected by the underlying issues of poverty, unemployment, and social disorganisation that contribute to violence in South Africa.

Migration has been a defining feature of South Africa's history, with significant waves dating back to the 1980s, spurred by the discovery of gold in the Witwatersrand and diamonds in the Orange Free State. As Ngomane (2010:1) observes, the mining industry's demand for cheap contract labour during the apartheid era fuelled migration from neighbouring countries such as Zimbabwe, Namibia, Mozambique, Swaziland, and Lesotho. This historical context underscores the intricate interplay between South Africa's political economy, population dynamics, and patterns of settlement and migration. The transition to democracy in 1994 marked a pivotal moment in South Africa's migration landscape. Crush et al (2005:1-2) and the International Labour Office (1998:8) note that this period witnessed significant shifts in migration patterns. This was driven by several key events, including the end of apartheid and the emergence of majority rule, South Africa's integration into the Southern African Development Community (SADC), and the country's reintegration into the global economy.

As a result of its stable democracy and relatively advanced economy, South Africa hosts the largest immigrant population on the continent of Africa. Approximately 2.9 to 3.9 million documented immigrants reside in the

country, accounting for about 5% to 6% of its 60 million residents (UNOCHA, 2021; Africa Check, 2023). However, this figure is likely an underestimate due to the significant presence of undocumented immigrants, especially from neighbouring countries. Concurrently, rising rural and urban poverty and unemployment levels contributed to a surge in both legal and illegal cross-border movements.

However, the high number of undocumented immigrants, both legal and illegal, has not been without challenges. As Ngomane (2010:12-13) highlights, estimates suggest an annual influx of around 80,000 illegal immigrants, though obtaining accurate statistics proves challenging due to the clandestine nature of undocumented migration. The historical precedent of illegal migration predates the post-apartheid era, with companies historically recruiting labour from neighbouring countries, often facilitating illegal migration. Against this backdrop, this study seeks to delve into the multifaceted relationship between undocumented immigrants' migration and crime in South Africa. Specifically, it aims to investigate the nexus between migration and criminal activities, assess the socioeconomic impact of migration-related crime on the South African economy, and explore the underlying factors driving undocumented immigrants to migrate to South Africa. By shedding light on these interconnected dynamics, this study endeavours to contribute to a deeper understanding of the complex challenges posed by migration and crime in South Africa.

Theoretical framework

Criminology scholars have extensively developed, tested, and applied theories within the realm of migration and crime. This theoretical framework aims to explore the concepts of securitisation in migration theory and the economic theory of crime from a criminological perspective. This section is structured into two segments: the first provides an overview of the background of these theories, while the second delves into how these theories intersect with the phenomenon of crime under examination.

Securitisation of Migration Theory

The securitisation of migration theory, articulated by Barry Buzan, Ole Wæver, and Jaap de Wilde, provides a valuable lens through which to examine the interplay between economic disparities and illegal migration in South Africa.

This theory posits that migration can be framed as a security issue by state actors, whereby the movement of people across borders is perceived as a threat to national security, social cohesion, and public order (Buzan et al., 1998). In the context of South Africa, the significant economic disparities compared to other African nations not only drive migration but also shape the political and social narratives surrounding it. As economic hardship, poverty, and political instability compel individuals to seek refuge in South Africa, these migrants are often perceived as potential threats to the nation's social fabric and security. This framing can lead to heightened tensions between local communities and migrants, contributing to a perception of insecurity and disorder. The securitisation of migration theory emphasises that such narratives can mobilise public support for restrictive immigration policies and law enforcement practices that disproportionately target foreign nationals (Bigo, 2002).

Moreover, this theory highlights the consequences of this securitisation process, as migrants may face increased scrutiny and suspicion from law enforcement, exacerbating their vulnerabilities and marginalisation within society. The security implications are profound, as state responses to migration focus on control and enforcement, the human rights of migrants can be compromised, leading to a cycle of criminalisation and exclusion. In South Africa, the application of securitisation theory to migration allows for an understanding of how economic disparities not only drive migration but also shape the state's response to it. The framing of migrants as security threats can lead to policies and practices that further marginalise already vulnerable populations, ultimately affecting community safety and cohesion. This theoretical framework offers a robust foundation for analysing the implications of economic disparities on illegal migration and the resulting security concerns in South Africa.

The economic theory of crime

The economic theory of crime, initially articulated by Becker (1968) and Ehrlich (1973), provides insight into the potential correlation between immigration and criminal activity. This theory operates on the premise that individuals migrate based on perceived benefits, suggesting that decisions regarding criminal behaviour arise when the expected gains outweigh potential costs. Becker (1968) contends that criminals are not fundamentally different from

law-abiding citizens; rather, they evaluate the costs and benefits of their actions differently. Recent literature has further developed this understanding by examining how economic disparities, job scarcity, and policy changes influence these calculations in a contemporary context (Cohen & Felson, 2020; Hjalmarsson et al., 2021). According to the economic theory, individuals choose between criminal activities and legal employment based on perceived returns from each option. For migrants, this often translates to seeking employment opportunities that may not adequately support their families. Consequently, some may resort to criminal activities such as prostitution, human trafficking, and drug trafficking to meet their financial needs (Sullivan, 2018). Moreover, migrant workers frequently face exploitation and low wages due to the lack of protection for their labour rights in foreign countries, further exacerbating their vulnerabilities (Cholewinski, 2021).

Delays in obtaining work permits intensify the financial strain on immigrants in South Africa. Bureaucratic hurdles in acquiring these permits often leave migrants without sufficient means to support themselves and their families. Research indicates that many asylum seekers endure lengthy waits for decisions regarding their status, with significant portions waiting for years (Kälin & Künzli, 2018). This prolonged uncertainty can lead some migrants to engage in criminal behaviour as a means of maintaining their livelihoods and social status. Thus, the economic theory of crime argues that individuals may turn to criminal activities because they perceive them as beneficial for sustaining themselves and their families, particularly when faced with economic hardships and bureaucratic obstacles in a foreign land.

Methodology

This study employs a desktop research methodology, conducted between December 2023 and April 2024, to investigate the nexus between migration and crime in South Africa. Desktop research involves gathering and analysing existing data and literature to inform the research objectives. In this study, data were collected from various sources, including journal articles, theses, dissertations, and books. The primary goal of this literature review was to examine previous research on the topic, identify gaps in the existing literature, and determine areas of migration and crime that warrant further investigation. All sources of information were readily accessible and comprehensible. However, the main challenge encountered during the

research process was the abundance of literature focusing on the treatment of undocumented migrants in host countries, with limited emphasis on the impact of illegal immigration on the host countries themselves. Thus, efforts were made to navigate through the available literature to gather relevant data pertaining to the influence of undocumented migrants on the countries they enter unlawfully.

Literature review

Causes of migration

Push factors

The South African political economy has long been shaped by the dynamics of population settlement and migration. Historically, the mining and industrial centres of South Africa have attracted substantial labour migration, both from rural areas within the country and from neighbouring nations (Charman & Piper, 2020). This trend escalated notably following the 1994 elections, necessitating legislative measures to manage migration effectively within the country. The year 1998 marked a significant milestone with the enactment of South Africa's inaugural refugee legislation (Crush, 2001), followed by the Immigration Act 19 of 2004. These legislative actions aimed to regulate migration flows, safeguard the rights of foreign nationals, and address issues pertaining to temporary and permanent residence permits while also stimulating economic growth through the strategic employment of skilled foreign workers (Sibanda, 2022).

Since the mid-1990s, South Africa has witnessed a notable surge in the movement of foreign nationals (Newfarmer & Sztajerowska, 2012). Interestingly, many individuals opt to become labour migrants but express a preference for settling permanently in regions where they find employment (Kalitanyi & Visser, 2020). Various factors propel foreign nationals to migrate to South Africa, including population pressures, low living standards, limited economic opportunities, and political unrest (Dube et al., 2023). Recent studies have identified additional push factors, such as climate change and environmental degradation, which have increasingly influenced migration patterns (Mastrorillo et al., 2021). For instance, Nghia (2022) notes that adverse conditions such as food insecurity and inadequate living standards in

the migrants' home countries compel individuals to seek better opportunities elsewhere. As a result, a significant influx of immigrants may settle permanently in their destination, leading to the formation of burgeoning minority communities within the host state (Twala, 2022).

Pull factors

Pull factors represent the array of incentives that entice individuals to relocate from their current residence to a new destination (Twala, 2012:9). Chief among these is the availability of employment opportunities, which serves as a magnet attracting migrants to new areas (Higgins, 2008:2). Gedder (2003:5) highlights that natural disasters can intensify migration flows driven by poverty, further underscoring the role of environmental factors as pull factors. Since Zimbabwe's political crisis in 2008, the country's economy has remained stagnant, offering few to no opportunities for its citizens. In response, the South African government introduced the Zimbabwe Exemption Permit (ZEP) to help address the migration pressures caused by this economic downturn. Limited employment prospects in Zimbabwe have driven many citizens to seek work abroad, particularly in South Africa, where migrants hope for better job opportunities, even if it means taking up low-paying or informal sector jobs (Mukumbang & Ambe, 2020). This migration pattern is further exacerbated by Zimbabwe's high unemployment rate and lack of sustainable livelihoods. Additionally, education emerges as a significant pull factor, with the pursuit of higher education being motivated by the expectation of improved economic and social status for graduates (Twala, 2012:10).

Economic considerations play a pivotal role in driving international migration, as articulated by the traditional neoclassical approach (Cinini, 2015:48). This perspective posits that individuals migrate to countries where the disparity in real income between their home country and the destination is favourable. In the context of South Africa, the allure of better salaries, particularly for African migrants, serves as a potent motivator for migration (Cinini, 2015:48). Straubhaar (1986) outlines two prerequisites for contemporary international migration; (i) a demand for foreign labour in the destination country and; (ii) the absence of immigration restrictions that impede the influx of foreign workers. Furthermore, neoclassical approaches underscore the rational decision-making process of migrants, who weigh the relative costs and benefits of relocating (Cinini, 2015:48)

Political instability frequently serves as a primary driver of migration, often due to widespread human rights violations (Gibney et al., 1996). For instance, in Nigeria, the activities of groups like Boko Haram, driven by a desire for power and control, have led to significant violence and forced many Nigerians to seek refuge in other countries. Similarly, in Zimbabwe, migration to South Africa has been fuelled by the oppressive regime under President Robert Mugabe. Political instability remains a significant driver of migration due to widespread human rights violations (Gibney et al., 1996). For example, in Nigeria, groups like Boko Haram, motivated by power and control, have caused significant violence, forcing many Nigerians to seek refuge in other countries. Similarly, migration from Zimbabwe to South Africa was initially fueled by the oppressive regime of President Robert Mugabe, under whom many citizens faced economic hardship and political repression (Raftopoulos, 2009). However, the political situation has largely remained unchanged, if not worsened, since Mugabe's departure. The most recent elections in Zimbabwe were marred by opposition repression and disputed results, resulting in a continued influx of Zimbabweans seeking better opportunities in South Africa (Ndlovu-Gatsheni, 2020; International Crisis Group, 2023).

Criminal activities that occur as a result of migration

Criminal activities stemming from migration present numerous challenges, including coerced involvement in drug trafficking, prostitution, and various forms of trafficking, notably human trafficking (Pinotti & Rozo, 2022). Obtaining accurate data on these activities proves difficult due to their clandestine nature. In South Africa, victims of human trafficking often refrain from disclosing their victimisation due to fear of deportation and a desire to protect their families. According to the 2022 Global Slavery Index, an estimated 250,000 people are living in conditions of modern slavery in South Africa, with a significant proportion being women and children (Walk Free Foundation, 2022). Research by the United Nations Office on Drugs and Crime (UNODC) indicates that a substantial number of trafficking victims in South Africa come from other African countries, with 87% of identified victims being women, primarily trafficked for sexual exploitation (UNODC, 2020). These victims often fall prey to trafficking while seeking employment opportunities, facing numerous challenges along the way that render them susceptible to exploitation. Moreover, a 2021 study by the South African Human Sciences Research Council (HSRC) found that 29% of women in the

sex work industry are migrants, with many facing dire economic conditions that compel them into prostitution. These women are frequently exposed to violence and exploitation, further compromising their rights to human dignity and protection (HSRC, 2021). The lack of viable job prospects and meagre salaries pushes them into precarious situations, highlighting the urgent need for effective intervention strategies to protect vulnerable migrants from exploitation and trafficking.

Victimisation of foreign nationals by some government officials

Since 1994, South Africa has made strides in safeguarding the human rights of refugees, yet instances of abuse against foreign nationals persist at the hands of government officials. Kleinsmidt and Manicom (2010:173-174) highlight the infringement of immigration and employment laws by police and immigration officials, including breaches of lawful procedures for the arrest, detention, and deportation of undocumented foreigners, as established in the Immigration Act. Undocumented foreign nationals have reported facing police searches and harassment, often without due process, as highlighted in various media reports and studies (Amnesty International, 2020; Landau & Segatti, 2011). Additionally, delays in document issuance by the Department of Home Affairs exacerbate the situation, leaving many migrants vulnerable to exploitation and legal insecurity. However, some argue that undocumented migrants in South Africa experience fewer legal repercussions compared to other countries (Vigneswaran, 2013), highlighting the complexity of the issue. Evidence from the Refugee Council (2005) suggests lengthy delays in asylum decisions, with only a small fraction of asylum seekers receiving decisions within six months, while a third wait for years. There are reports of immigration officials soliciting bribes from foreign nationals in exchange for documents, undermining the protection of asylum seekers. Kleinsmidt and Manicom (2010:180) emphasise the lack of knowledge about the rights of asylum seekers and refugees among members of the South African Police Services and various government departments, leading to significant challenges for asylum seekers and refugees. Additionally, prejudiced and stereotypical views against undocumented immigrants persist, perpetuated by politicians, the press, and government departments, contributing to issues of xenophobia. Former Minister of Home Affairs, Mangosuthu Buthelezi, warned against competing for resources with "millions of aliens," (Mlambo, Dlamini, Makgoba, & Mtshali,

(2023) which he believed would jeopardize South Africa's Reconstruction and Development Programme (Human Rights Watch 1998:20). Language barriers further exacerbate the victimization of foreign nationals, with government officials often failing to aid those who cannot communicate in English.

Failure of the government to protect immigrants' rights

The South African government's failure to uphold the constitutional rights of migrants not only contravenes international agreements, such as the International Covenant on Civil and Political Rights, which is based on the Universal Declaration of Human Rights (Kleinsmidt and Manicom, 2010: 175), but also perpetuates systemic challenges for asylum seekers. Administrative hurdles and prolonged processing times for asylum claims expose asylum seekers to continual risks of unlawful arrest and deportation (Kleinsmidt & Manicom, 2010: 180). For example, since 2025, over 50,000 legitimate asylum applications have been received, yet only 900 have been successfully processed, highlighting significant delays in the system. This backlog exacerbates violations of migrants' rights to work and education, as many are left in legal limbo without proper documentation to access these basic services.

Corruption within government agencies further compounds these issues, leaving asylum seekers vulnerable to arrest, deportation, and denial of essential healthcare (Kleinsmidt and Manicom, 2010: 180). Moreover, a lack of awareness among law enforcement and various government departments regarding the rights and documentation requirements of asylum seekers exacerbates their plight, leading to a breakdown in the protection afforded to them (Kleinsmidt & Manicom, 2010: 180). For instance, a documented foreign national reported that, despite having all the correct documentation, they were still approached by officials from the Department of Home Affairs who demanded a bribe for processing their paperwork (Ngwenya, 2021). Additionally, cases have been documented where police officers detained individuals despite their valid asylum papers, illustrating the ongoing challenges faced by migrants in accessing their rights. Additionally, numerous reports have documented instances where police officers have detained individuals even when they presented valid asylum papers. For example, a 2019 report by the African Centre for Migration & Society highlighted a case where a group of asylum seekers was apprehended during a routine police

raid, despite showing their legal documentation. The officers claimed they were 'verifying their status' but ultimately detained them for several hours, causing significant distress and uncertainty about their legal rights (Kok et al., 2019). Such incidents illustrate the ongoing challenges faced by migrants in accessing their rights, as law enforcement personnel often lack adequate training on immigration policies and the rights of asylum seekers, leading to fear and vulnerability among these populations

While South Africa's membership in international migration conventions may suggest migrant-friendly policies, the reality often falls short (Sebola, 2017: 93). Undocumented immigrants, including asylum seekers, are allowed to work and study during the asylum application process. However, delays in processing often result in deportations due to the inability to produce required documentation promptly (Sebola, 2017: 93). This bureaucratic inefficiency not only compromises the rights of undocumented immigrants' but also contributes to increased criminal activities as less skilled individuals are marginalized in favour of attracting highly skilled immigrants (Sebola, 2017: 93). Consequently, this imbalance perpetuates social and economic challenges, ultimately fostering an environment conducive to rising crime rates within the country.

Discussion of findings

In this section, the findings derived from secondary data collected by the researcher to investigate the impact of undocumented immigration on crime in South Africa are discussed. As aforementioned, the research aimed to uncover the underlying reasons for migration to South Africa, examine the criminal activities associated with migration, assess the economic impact of migration-related crime, and propose government interventions to enhance safety and security for citizens. The study revealed that individuals migrate to South Africa due to a combination of push and pull factors, including poverty, better educational opportunities, higher salaries, and political instability in their home countries.

Migration poses various challenges for migrants, including exposure to drug trafficking, prostitution, and human trafficking. According to the Trafficking in Persons Report 2022 by the U.S. Department of State, South Africa is a source, transit, and destination country for human trafficking, with significant numbers of victims being undocumented immigrants who are

lured by promises of employment and better living conditions. Data from the Southern Africa Human Security Network indicates that many migrants, particularly women and children, are at risk of being trafficked for sexual exploitation, forced labour, and domestic servitude. However, accurate and comprehensive data on these issues remain elusive, as underreporting is influenced by fear of retribution and concerns for the safety of their families.

Additionally, the research found that individuals often fall victim to human trafficking when seeking employment, leading to involvement in prostitution as a last resort. For instance, a study conducted by the Institute for Security Studies highlights specific cases where vulnerable migrants seeking work in urban areas were exploited by traffickers, ultimately resulting in their engagement in illicit activities to survive. These findings underline the urgent need for effective policies and interventions to protect migrants and combat trafficking, ensuring their rights and safety within South Africa. Undocumented immigrants in particular, are more likely to engage in extreme criminal activities such as drug dealing and human trafficking, often benefiting from their anonymity in unfamiliar environments. The securitisation of migration theory posits that migration can be framed as a security threat, leading to heightened scrutiny and criminalisation of migrants. This theory suggests that the perception of migrants as potential criminals can create an environment where foreign nationals feel marginalized and compelled to engage in illegal activities as a means of survival. As a result, the securitisation narrative may inadvertently contribute to the very criminal behaviours it seeks to control, as migrants, particularly those lacking legal status or protection, navigate a landscape where their vulnerabilities are exploited. This dynamic illustrates how systemic factors associated with migration policies and societal perceptions can drive individuals towards extreme criminal activities, highlighting the complex relationship between migration, security, and crime in South Africa.

Moreover, delays in obtaining work permits exacerbate the situation, prompting individuals to engage in criminal activities to support themselves and their families. The study also identified legislative shortcomings in recognising African migrants, fuelling xenophobic sentiments in South Africa. Despite xenophobic attacks, government action has been limited, with little progress made in addressing the underlying issues. To mitigate migration-related crime and xenophobic attacks, it is imperative to address these issues comprehensively. Government interventions should focus on improving

legislative frameworks, enhancing law enforcement efforts, and fostering social cohesion among citizens and migrants alike. By addressing these challenges, South Africa can create a more inclusive and peaceful environment for all residents, safeguarding its reputation on the global stage.

Conclusion

South Africa's economy stands out in comparison to other African nations, attracting a significant influx of undocumented immigrants over the years, particularly into its robust mining sector, which serves as a key magnet for labour. This migration is largely driven by a complex interplay of factors, including political instability, poverty, environmental degradation, and the allure of better employment opportunities. Despite the introduction of legislation, such as the refugee legislation and the Immigration Act of 2004, aimed at regulating undocumented immigration and safeguarding the rights of migrants, the country faces persistent challenges. The findings indicate that while South Africa has attempted to manage the influx of undocumented immigrants, these individuals often encounter barriers that hinder their integration into society and expose them to exploitation. Many resort to illicit activities—such as drug trafficking, prostitution, and human trafficking—out of desperation, illustrating a critical gap between policy intentions and on-the-ground realities. This disconnection highlights the urgent need for a comprehensive evaluation of existing immigration policies, ensuring they are not only enforceable but also responsive to the nuanced needs of migrants—the ongoing challenges related to undocumented immigration present complex socio-economic and legal dilemmas for South Africa. To effectively address these issues, a multifaceted approach is essential. This should include not only strengthening border control measures and enhancing the enforcement of immigration laws, but also addressing the root causes of migration. This might involve fostering regional development initiatives that tackle the socio-economic conditions driving individuals to leave their home countries. Furthermore, stakeholder collaboration among government agencies, civil society, and international organisations is crucial for creating sustainable solutions that respect the rights and dignity of all individuals involved. By adopting a holistic strategy that combines enforcement with compassion, South Africa can better navigate its immigration challenges, ultimately benefiting both its citizens and undocumented immigrants alike.

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