

POSITION PAPER: ILLEGAL ALIENS IN THE RSA

1. The ~~attached~~ ^{VENDOR} ~~COBESA~~ submission to work group 1, sub-group 1, refers.

2. FACTUAL SITUATION

2.1 Over the past few years, because of conditions prevailing in their countries of origin, many foreigners have gravitated to South Africa, especially persons from African countries and from European countries such as Poland, Romania and Yugoslavia as well as persons from Israel (former Russian Jews) and others.

2.2 Many of these persons enter the country clandestinely, while others do so legally as visitors. Once in the RSA, they endeavour to prolong their stay by applying for work permits or permanent residence.

2.3 Because of the high incidence of unemployment in the RSA such applications are generally discouraged and in fact only approved in exceptional circumstances, where a proven need exists for a specific type of worker. It is also a prerequisite that South Africa citizens and legal permanent residents are not deprived of employment.

2.4 All applications in the above regard are treated strictly on merit and in terms of standard procedures. No other criteria are allowed to influence the matter.

2.5 These persons who enter the country with the purpose of improving their living conditions and prospects, do not comply with the definition of a refugee as defined by the Statute of the United Nations.

2.6 Records are kept of all aliens in the RSA who either enter the country legally or who subsequently come to the attention as persons who entered the country clandestinely. There may be many others of whom there

is no official knowledge and who may be exploited in a number of ways not referred to by the Venda Government.

3. OFFICIAL APPROACH

- 3.1 Because of the socio-economic conditions prevailing in the RSA at present, irregular methods of immigration are strongly opposed. Such people are rather urged to return to their country of origin or elsewhere.
- 3.2 This stringent policy unfortunately has the result that in some cases persons whose temporary residence permits expire and are not renewed, go "underground" and try to establish themselves in various quarters of the country, as well as the TBVC states and self-governing territories.
- 3.3. It must be noted that an alien can normally only qualify for naturalisation as a SA Citizen after five years of continuous legal residence in the RSA. Only in exceptionally meritorious cases is consideration extended to the reduction of the period of 5 years.

4. GENERAL REMARKS

- 4.1 The temporary detention of illegal aliens who have been apprehended and are in the process of being properly identified prior to repatriation, is avoided as far as possible. Where unavoidable such detention seldom lasts for more than a few days. The general rule is that these cases should, as far as humanly possible, be resolved within one week.
- 4.2 It has come to the attention that some illegal aliens in the RSA succeed somehow in obtaining extensions of their stay, permanent residence permits or SA identity documents, in an unlawful manner.

- 4.3 The possibility has been mooted that at least in some instances, government officials may be involved in this regard. This is, however, viewed in a very serious light and whenever an occurrence of this nature is reported, it is followed up immediately with an intensive investigation on an individual basis and remedial action taken where proven.
- 4.4 Factors lost sight of in the Venda paper is that South Africa is a haven for the hungry and deprived of neighbouring states. This has the effect that scarce work opportunities are taken up by these people who because they are so dependent may be exploited. While not losing sight of the humane aspects the problem must be dealt with in a multi-faceted manner also taking into account economic factors.