

Les Zimbabwéens sans papiers en Afrique du sud: travailler dans la crainte constante de l'arrestation et la déportation.

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Résumé

Depuis quelques années, la réaction de l'Afrique du Sud à la migration « illégale » est exagérément restrictive, axée sur l'exclusion et le contrôle. Son approche consiste à arrêter, détenir et déporter les migrants sans papiers. Des recherches extérieures démontrent cependant que l'application intensifiée de la loi sur l'immigration, plutôt que d'atteindre son but présumé de déportation massive, soumet un grand nombre de personnes passibles d'exclusion à la menace ou possibilité de déportation – soit à la déportabilité. Selon ce concept de déportabilité, l'État exerce un plus grand pouvoir sur les travailleurs étrangers en accentuant la menace ou possibilité de déportation qu'en déportant réellement les migrants « illégaux ». Se basant sur l'étude ethnographique des migrants zimbabwéens sans papiers à eMalahleni, en Afrique du Sud, cet article examine comment le contrôle de la migration instaure la possibilité (et la peur) d'être arrêté et déporté comme réalité quotidienne pour les migrants sans papiers, affectant de façon négative leur expérience de travail. L'article souligne que la déportabilité soumet les migrants sans papiers et les transforme en travailleurs plus politiquement dociles et économiquement exploitables.

Undocumented Zimbabweans in South Africa: Working in a Constant Fear of Arrest and Deportation

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Abstract

For the past several years, South Africa's response to "illegal" migration has been overly restrictive, exclusionary and control-oriented. Its approach has focused on arresting, detaining and deporting undocumented migrants. However, research from elsewhere shows that intensified immigration enforcement hardly achieves the presumed goal of mass deportation; instead, it subjects a great mass of deportable people to the threat/possibility of deportation – i.e., they experience "deportability." The concept of deportability holds that the state exercises power on outsiders much more by making the threat/possibility of deportation more perceptible rather than by actually deporting "illegal" migrants. Based on ethnography with undocumented Zimbabwean migrants in eMalahleni, South Africa, this article examines how migration control makes the possibility of arrest and deportation, and the fear thereof, an everyday reality for undocumented migrants that adversely affects their work experiences. The article underscores that deportability disciplines and fashions undocumented migrant workers into more politically docile and economically exploitable workers.

Introduction

Previous studies on South Africa's post-apartheid immigration policy and practice show more continuities than discontinuities with the country's apartheid past: immigration policy and enforcement practice have remained highly restrictive, exclusionary and control-oriented (Aglotsson & Klaaren, 2003; Crush, 1997; Klaaren & Ramji, 2001; Klotz, 2013 and 2000; Peberdy, 2001; Vigneswaran, 2011). The immigration policy's selective and skills-based focus provides very limited opportunities for so-called "less skilled" migrants to reside and work legally in South Africa, forcing large numbers of such migrants to do so "illegally".

As in many other migrant-receiving countries in the world, “illegal” migration in South Africa is conceptualized as a “problem” in that “illegal” migrants are blamed for the numerous challenges the country is facing (Maharaj & Rajkumar, 1997). In response to this “problem”, government has been arresting, detaining and deporting undocumented migrants. This was despite senior government officials expressing doubt over the effectiveness of such a restrictive and control-oriented policy stance to stem the “problem” (Vigneswaran, 2011).

Studies from elsewhere suggest that intensified immigration law enforcement hardly achieves the presumed goal of mass deportation (see De Genova, 2002); instead, it subjects a great number of deportable people to the threat/possibility of deportation. De Genova (2002) calls this “deportability”, which is the ever-present possibility of deportation, and not deportation per se. If deportation rarely achieves its presumed goal of expelling all deportable migrants, then it becomes essential to interrogate the function and effect of deportability on deportable people. The concept of deportability holds that the state exercises its sovereign power on outsiders much more by making the threat/possibility of deportation more perceptible rather than by actually deporting “illegal” migrants. The state institutes violence on deportable migrants by escalating the threat/possibility of arrest and deportation. This creates an atmosphere of fear and anxiety over the potential materialization of arrest and deportation, which adversely affects the protection and exercise of undocumented migrants’ labour rights.

South Africa’s labour law regime protects the rights of undocumented migrant workers. For example, the country’s Constitution (section 23(1)) and the Labour Relations Act (LRA) (section 185) guarantee fair labour practices to “every employee”. The Labour Court has confirmed that foreigners working “illegally” in South Africa can be regarded as employees for the purposes of the LRA (Bosch, 2006). My main submission is that while the labour rights of undocumented migrant workers are enshrined, guaranteed and protected in South Africa’s labour law regime, immigration law enforcement and deportability, and the resultant fear over the possibility of deportation, make labour-rights claiming and protection, at best, less attainable for undocumented migrant workers and, at worst, non-existent, leaving them more vulnerable to abuse and exploitation. I demonstrate this by showing how

migrant “illegality” and the threat and fear of deportation constrain the positioning and participation of undocumented migrant workers in the labour market. I underscore that the possibility and fear of deportation serve to discipline and fashion undocumented migrant workers into politically docile and economically exploitable workers.

I am cognizant of the fact that worker exploitation in South Africa is not uncommon; it is widespread. I am also aware that to simply state that undocumented migrant workers are exploited is a given; a number of scholars have written on that (Bloch, 2008; Fine, 2014; Human Rights Watch, 2006, 2007; Klaaren & Ramji, 2001; Landau, Ramjathan-Keogh & Singh, 2005; Rutherford & Addison, 2007). However, the existing literature on the exploitation of undocumented migrant workers mainly talks about how they are sequestered in certain jobs and segments of the labour market that are characterized by long working hours, low pay and insecure employment. There has not been much interrogation on the intersectional effect of migrant “illegality” and deportability and the subsequent anxiety over possible materialization of arrest and deportation and how they exacerbate the exploitation of undocumented migrant workers.

The article draws on ethnography and in-depth interviews conducted with undocumented Zimbabwean migrants in eMalahleni, a mining town in Mpumalanga Province, South Africa. The study participants included men and women between the ages of 20 and 50 who were working as domestic workers, private security guards and casual workers in the construction sector, as well as daily-wage workers who were doing any job for money.

I carried out the fieldwork between June 2015 and December 2016. This extended contact with the research participants had a profound impact on my research, most of which was unambiguously good. I was able to generate and interpret rich ethnographic data from the undocumented Zimbabwean migrants’ day-to-day life as it was lived or felt or made sense of. The methodological tools of ethnography enabled me not only to ask questions, but also to capture the mundane aspects of the social and economic lives of these migrants through observing how the awareness of their “illegal” status and the fear of arrest and deportation shaped their everyday life and work experiences.

This paper is not so much about whether deportation

happened or not, as it is about the effect of living (and working) knowing that deportation is an ever-present but indeterminate possibility. The article is organized as follows: First, I situate migration to South Africa and the country's immigration policy and practice within broader debates on migration control. I then examine how immigration law enforcement generates an awareness of being "illegal" and an anticipatory anxiety over possible arrest and deportation. I further demonstrate how the indeterminacy of and anxiety over possible arrest and deportation shape undocumented migrant workers' work experiences, particularly by making them more docile and exploitable.

Migrant "Illegality", Migration Control and Deportability

The increased movement of people across national boundaries has motivated several governments to intensify their efforts in regulating the movement of migrants into, within and out of national territories (Cornelius et al., 2004; Walters, 2002). The most common responses have been the militarization of mobility control around border areas and within interior spaces (Nevins, 2001; Fassin, 2011), tightening of restrictions on the employment and access to other services for unauthorized migrants (Perea, 1997) and imposition of harsher sanctions on those who defy immigration regulations (Campbell, 2006). Arresting, detaining and deporting migrants found contravening immigration laws have also become a normalized practice of migration control (Bloch & Schuster, 2005). These restrictive measures increase migrants' chances of encountering everyday mechanisms of surveillance and control and are meant to deter the unregulated movement of "illegal" migrants and remove them from state territory.

South Africa attracts large numbers of migrants from both across Africa and other countries outside of Africa seeking political and economic refuge. However, a 2011 study by the Southern African Migration Programme (SAMP) found that accurate information on the figures for South Africa's migrants is hard to obtain "partly because of the phenomenon of irregular migration and partly because of inadequate data collection systems" (Crush, 2011:3). According to Segatti and Landau (2011), work done by SAMP and the African Centre for Migration and Society (ACMS) at the University of the Witwatersrand using internationally accepted demographic methods estimated the total number of foreigners in South Africa, documented

and undocumented, to be around 3 million (though these figures may have increased by now).

Zimbabweans are the largest group of foreigners in South Africa. Much of Zimbabweans' migration to South Africa has been induced by different political and economic crises. For instance, between 2000 and 2009, growing political intolerance and the country's free-falling economy uprooted a lot of Zimbabweans, and many trekked down south in search of both political refuge and economic opportunities.

South Africa became the most likely destination for a large population of Zimbabweans due to its proximity and relatively well-performing economy. But the country's restrictive and exclusionary immigration policy remained an obstacle for formal migration, which resulted in many entering and residing in the country "illegally". As a result, the question of how many Zimbabweans are in South Africa remains a sticking issue as no precise figures exist (Segatti & Landau, 2011). This leaves the numbers open to manipulation and wild guesstimates particularly by those with vested interests in exaggerating immigrant numbers. The 2010 Zimbabwean Documentation Project (ZDP), a special legalization programme for Zimbabweans who had been in South Africa "illegally" after seeking political and economic refuge as their country's political and economic fortunes waned in 2008, illustrates the South African government's use of grossly inflated figures. Several official statements projected the number of undocumented Zimbabweans in South Africa to be between 800,000 and 1 million. However, by the time the ZDP was completed in December 2010, the Department of Home Affairs (DHA) had received fewer than 266,000 applications, which refutes claims that there were around 1 million undocumented Zimbabweans in South Africa (Segatti & Landau, 2011).

Responding to the presence of undocumented migrants, South Africa's government intensified its measures to detect, arrest, detain and deport undocumented migrants (Hiropoulos, 2017; Vigneswaran, 2011; Vigneswaran, et al. 2010). Between 1995 and 2010, South Africa deported more than 150,000 people every year (DHA Annual Reports, 1980-2010; Vigneswaran, 2011). Zimbabweans are by far the largest group of nationals deported from South Africa. From April 2009, deportations plummeted following the DHA's declaration of a moratorium on the deportation of Zimbabweans and launch of the ZDP in 2010. The moratorium

ended in July 2011, and deportations rose to over 130,000 in the 2013/14 reporting year (DHA Annual Report, 2014).

State officials involved in controlling migration in South Africa tacitly accept systems that create and legitimize parallel systems of migration control that involve exceptional, often extra-legal practices in policing foreigners (Landau, 2005; Sutton & Vigneswaran, 2011; Vigneswaran, et al. 2010). Landau (2005) laments that given the presumed link between “illegal” foreigners and criminality, such extra-legal practices of migration control often license the targeting and restraining of “illegal” foreign nationals by whatever means state officials (and citizens) deem appropriate.

The South African police, who are the *de facto* immigration law enforcers at the local level, institute different mechanisms of control, such as spot checks, immigration sweeps in residential areas suspected to be populated by undocumented migrants and workplace raids. A certain senior police commissioner confirmed this in an interview with Vigneswaran when he stated that detecting, arresting and deporting “illegal” foreigners gave the police “a reason to get up in the morning” (Vigneswaran, 2011:111). In Gauteng Province, which is a major destination for many migrants, police officers spend more than a quarter of their working time searching for, arresting and deporting foreigners (Vigneswaran & Duponchel, 2009). In eMalahleni, the police also invest a lot of time and resources in detecting and arresting undocumented migrants, and the magistrate court often deals with such cases (Nkuna, 2017). While some of the measures employed by the state officials to control migration may be lawful, most are not (Crush, 1997; Vigneswaran, et al. 2010). More frequently, the enforcement practices of many state officials generate a range of institutional points at which violence may be instituted against “illegal” migrants.

Besides the local level policing methods, there have also been nationwide approaches to controlling migration. A more recent example is Operation Fiela, a nationwide crime-fighting blitz launched in April 2015. The police, accompanied by the military and immigration officials, launched numerous raids across the country in places suspected of harbouring criminals. However, civil society groups condemned the operation as “state-sponsored xenophobia” after noting that it primarily targeted “illegal” foreigners as the most likely perpetrators of crime (Velapi, 2015). The numbers behind Operation Fiela corroborated these observations: 1,123 of the 2,908

arrests made on 30 and 31 July countrywide were undocumented migrants; between April and July 2015, government deported over 15,000 people who were in South Africa “illegally” (Maromo, 2015). Civil society organizations recorded several cases where foreigners were rounded up in pre-dawn raids, denied access to legal representation or deported without due process (Allison, 2015). While these mechanisms of immigration control such as Operation Fiela have a temporal duration and may be infrequent, they are potentially repetitive.

Intensified immigration enforcement makes undocumented migrants more conscious of their “illegality” and unwantedness (Chavez, 1992; Coutin, 2000) and ever-present vulnerability to apprehension and deportation (De Genova, 2002). Deportability provokes an anticipatory anxiety over the potential materialization of arrest and deportation. While deportability engenders a sense that deportation is an ultimate possibility, what is more depressing for undocumented migrants is that they are unable to determine with certainty *when* this will happen. This indeterminacy and ever-present sense of vulnerability are strongly imprinted onto the everyday lives of undocumented migrants (Coutin, 2000; Dreby, 2015) and are central to the exercise of power by the state over deportable migrants. In light of this, De Genova notes that the function (and effect) of immigration law enforcement is not so much about completely removing undocumented migrants from national territory, but to achieve a socio-political process where undocumented migrants live under “imposed conditions of enforced and protracted vulnerability” (De Genova, 2002: 249). This has huge disciplinary consequences on undocumented migrants and effectively makes them highly exploitable.

Fear as an Everyday Experience

I began my fieldwork during the days of Operation Fiela in 2015. All my research informants reported that fear was persistent in their everyday lives. What were they afraid of, and why were they afraid? These were the questions I asked my interlocutors whenever they raised the issue of fear. And most of them pointed to three things in their responses: the police, arrest and deportation — as revealed by Precious during our conversation:

As someone with no papers, I always live in fear, always wondering: When are they [the police] coming again? When they come, where will I go? What if I get caught? What if they arrest me?

Precious was working as a live-out domestic worker. She was staying in Elandeni, an informal settlement where most of the undocumented migrants I interacted with in eMalahleni were living. The police's intensified policing of migrants, which made them a "ghostly presence" (Machinya 2019) in the lives of undocumented migrants, caused much fear for Precious. This ghostly presence is about how the undocumented migrants incessantly feared and felt as if they were being surveilled by the police even when the police were not there. The South African police have integrated policing the illegal movement of persons as a major part of their everyday policing duties and have taken the enforcement of immigration laws as a potentially useful method of dealing with certain categories of criminals (Vigneswaran, 2011). This has resulted in them maintaining what Lugo (2000) refers to as an "inescapable presence" (pp. 354) in the lives of undocumented migrants.

This belief that they are constantly under the gaze of the police caused my interlocutors to be more vigilant when they were in public spaces. They would always look out for any sight of the police, looking over their shoulders and ever ready to "disappear" whenever they felt the risk of detection. I witnessed this one Friday afternoon in August 2016. I had accompanied Beulah, my niece who assisted me in locating undocumented Zimbabwean migrants, to eMalahleni town for her grocery shopping. After her shopping and with both of us carrying large plastic bags, I led the way to a local taxi rank so that we could get a taxi back to Elandeni where she stayed. However, Beulah protested saying:

No uncle, we cannot go to the taxi rank. Today is Friday, the police are likely to be at the taxi rank looking for people with no papers. Let's walk to Bon Village and we will get the taxi from there.

Bon Village, a residential area on the outskirts of eMalahleni town, is about a twenty-minute walk. On our way, Beulah was always looking over her shoulders. She told me that the police do

more spot checks on Fridays looking for undocumented migrants because they knew that many people get paid fortnightly on Fridays.

The threat and fear of deportation was re-enacted in the lives of undocumented migrants whenever someone with “no papers” was arrested or rumours about such cases spread. Zimbabwean undocumented migrants often imagined and perceived their own susceptibility to arrest and deportation by interpreting the experiences of other undocumented migrants. Rumbidzai, a live-out domestic worker, told me that she had not encountered the police before in eMalahleni, but nevertheless, she lived in fear of arrest and deportation because she knew some people who had experienced it:

Bhudhi (brother), I know about this [deportation]; it is something that happened to others who did not have papers like me. Therefore, if it happened to them it can also happen to me.

The arrest and deportation of other undocumented migrants implanted a more perceptible sense of vulnerability to deportation among those who were not yet deported. Rumbidzai, like many other undocumented migrants, logically mapped her own susceptibility to deportation by drawing on or relating to the experiences of other people who shared the same status as her. She imagined: “If someone without papers like me was arrested and deported, then I can also be arrested and deported.” Basically, when undocumented migrants heard of someone’s arrest and deportation, they inevitably began to imagine themselves in the same situation: “This could be me.” The arrest and eventual deportation of other undocumented migrants was a constant reminder to those who remained that their time in South Africa was ephemeral and terminable.

Knowing that deportation was an impending possibility made many undocumented Zimbabwean migrants fear the police even without coming into real contact with them. However, previous encounters with the police or the deportation regime had lasting impressions on undocumented migrants’ consciousness of their vulnerability to deportation. Patience, who once doubled as a domestic worker and a shop attendant for her employers, was arrested and deported after a wage dispute with her employers in June 2015. Her employers called in the police and she was arrested. Her offence: because “[she] did not have papers.” After her court

appearance, the magistrate sent her to the Lindela Repatriation Centre, which is South Africa's largest holding camp for the detention of undocumented migrants awaiting deportation. She stayed there for three months before her eventual deportation in September 2015. She managed to sneak back into South Africa but her previous experience of arrest and deportation left her more apprehensive of her deportability because deportation had become a reality for her:

Tsuro haiponi rutsva kaviri (A hare does not escape a veld fire twice). Since the days I was arrested and deported, I am always living in fear. I don't want a repeat of what happened to me before.

Patience used a popular ChiShona proverb to underscore how her previous experience of arrest and deportation deeply engraved fear in her everyday life. The proverb, "A hare does not escape a veld fire twice," warns one against tempting fate again after an initial escape as continuous indulgence in risky behaviour would eventually result in one being caught and facing severe consequences. Because she had been previously arrested and deported, even though she managed to sneak back into South Africa, Patience was now living in fear that if she were to be caught again, the punishment would be severe.

As vulnerability to, and the fear of, arrest and deportation became more pronounced in the lives of the undocumented Zimbabwean migrants, flying under the radar and concealing one's status became some of the most pertinent responses to staying out of trouble. However, the way some undocumented migrants had experienced immigration enforcement left an impression that fetishized migrant "illegality" as an objective and discernible "thing in itself". Such migrants often imagined their "illegality" as easily identifiable, and this was a reason to be more afraid of the police. The way they had been previously stopped by the police left them thinking and worrying that they had visible marks of "illegality" written on their bodies. Earnest, a daily-wage worker who was arrested together with his two friends, was shocked by the way the police stopped them and, without even ascertaining whether they were South African or not, demanded to see their passports. He also told me of a similar incident in which the police randomly stopped him in Johannesburg, and once again demanded to see his passport

without confirming his nationality. Reflecting on these two incidents, Earnest lamented, “It’s as if I have a sign on my forehead written, ‘I am illegal’.”

Violence and the Indeterminacy of Deportation

While not all my respondents had directly encountered the police, there was a general sentiment that the police use some degree of violence when policing “illegal” migrants. This was observed in previous research in which scholars noted that undocumented migrants experience violence and abuse at the hands of the police either during arrest or when in detention (Landau, 2005; Sutton & Vigneswaran, 2011; Vigneswaran et al., 2010). To some of my respondents, like Rutendo, a mother of two who was once arrested while sitting outside her house in Elandeni, the police’s determination to use violence on “people with no papers” was evident in the resources and energy they invest in policing undocumented migrants. Rutendo said, “If you [saw] them coming here you [would] think that they [were] going to war, yet they [were] just looking for people with no papers.” This militarized approach to policing undocumented migrants is reminiscent of the declaration of “war against illegal immigration” by the United States and some countries in Europe (Green & Grewcock, 2002). Rutendo was worried that such militarized policing would consolidate the stereotype that associates undocumented migrants with crime (Crush & Williams, 2003).

The weapons used by police were weapons of war and violence. During immigration sweeps in Elandeni, the police would always descend in a convoy with guns. Rutendo was worried that the police would use the guns on undocumented migrants, “[because] they come here with those terrifying weapons, it means they can use them, and they can use them on us [undocumented migrants].” The sight of the weapons that the police carried when policing “people with no papers” sent chills down the spines of many like Rutendo. Her fear of violence from the police as they enforced immigration laws was not unfounded. There have been cases where the police used enormous violence against undocumented migrants, sometimes leading to grievous bodily harm or even death. A prominent case is that of Mido Macia, a 27-year-old Mozambican man who was killed after five policemen manhandled and handcuffed him onto a police van before dragging him. He later died while in police custody

(Newling, 2013). This evidence corroborates concerns raised by Landau (2005) over the use of extra-legal practices by the police when policing migrants, which he laments licensed the targeting and restraining of “illegal” foreigners by whatever means state officials deem appropriate.

A defining feature of deportability, which was central to the exercise of power by state officials, was its indeterminacy (see Griffiths, 2014; Reeves, 2015), which handicapped undocumented migrants from determining with certainty what might (or might not) happen to them in their encounters with state officials, whether they would be arrested and deported. Zerubavel (1981) calls such a state temporal irregularity, which denotes a dearth of a “highly reliable repertoire of what is expected, likely or unlikely to take place within certain temporal boundaries... [and this] contributes considerably to the development of a strong sense of uncertainty” (p. 12). Whereas undocumented migrants considered arrest and deportation as an imminent and inevitable possibility, they were simultaneously uncertain about *when* that would happen. Tambu, a live-out domestic worker who was once stopped by the police on her way from work, was uncertain about how long she would remain undeported given the intensified policing of migrants:

I don't know. To tell the truth, I don't know. I may be here now, but I don't know what will happen if I go outside. I might meet the police on my way to work and they say, “We want to see your passport”, and you will be surprised to hear tomorrow that I [was arrested and] am in police custody.

That undocumented migrants considered deportation as an ultimate possibility meant that its actual materialization would jeopardize their ability to accomplish their personal projects in their home country or other plans they may have had. Tsitsi was worried that if she were to be deported, she would not be able to look after and pay school fees for her child. As I will show below, this understanding and fear that their time was terminable any day was instrumental in shaping undocumented migrants’ work experiences.

Taking Any Job That Comes

Now, I turn to the question of how the ever-present sense

of vulnerability to, and the indeterminacy and fear of, arrest and deportation shaped undocumented Zimbabwean migrant workers' positioning and participation in the labour market in ways that made them politically docile and economically more exploitable.

The undocumented migrants in this study placed huge emphasis on working, as explained by Raymond, who, at the time of the interview, was working as a security guard:

[I] came here to work and [therefore] [I] have to work, [I] have to be always doing something. If [I am] not working, why then [am I] here? Even if the job is bad, [I] just have to do it, [I] have to do something.

The migrants gave special value to working, or in the words of Raymond, "always doing something". I found that this zeal to want to work, and to work harder, was driven by undocumented migrants' understanding that deportability rendered their time in South Africa terminable at any moment. This understanding and the resultant anxiety over the possible materialization of arrest and deportation had huge implications on undocumented migrants' positioning and participation in the labour market. Several of my interlocutors admitted that it was becoming increasingly difficult to find job opportunities in South Africa. So, how then did the undocumented migrants reconcile this unavailability of jobs with their understanding that their time in South Africa could be terminated abruptly and the desire to want to work all the time? The fear and unpredictability of deportation imposed a time restraint on undocumented migrants' ability to freely choose which jobs to do. This fear and the desire to work prompted many of my respondents to take any job that was available, as the responses below show:

Because if police officials are hunting for [people with no papers], you don't know the day they will arrest you, so you don't want to be caught without having worked (Raymond).

Another respondent, Pardon, who was working in construction, echoed the same sentiments as Raymond:

For some of us, we feel like we are running against time, as people who are always being hunted by the police, always running away from the police, you don't want to be caught without having worked.

With the knowledge that they could be deported at any time, it was undesirable for the undocumented migrants to experience deportation without having worked long enough and with nothing to show in Zimbabwe that they had been to South Africa. Back in Zimbabwe, people ridicule those migrants who return home from “*marimuka*” (diaspora) “*vakangobata maoko chete*” (with nothing to show). As such, the pressure of shame if one were to be deported without any tangible investments back home, such as building a house in the rural areas, buying cattle, paying school fees for children or sending grocery money, deprived many the freedom to choose better jobs. Eventual deportation would potentially expose undocumented migrants to the stigma associated with unsuccessful migration because “home” is the place where their status as migrant workers is acknowledged, valued and defined (Galvin 2015), mainly through the tangible things that could be seen as the fruits of their toiling away from home. As a result, the desire to want to utilize their time in South Africa and accumulate to prove their migration exploits back home compelled many to waste no time by being selective about jobs; instead, they were forced to take any jobs that came.

Besides finding work through referrals, the undocumented Zimbabwean migrants in this study also used the “asking strategy” (Van Nieuwenhuyze, 2009) to find work; they moved around asking for job opportunities or stood at strategic points, like shopping malls or road intersections, marketing themselves to passersby. The increased presence of the police enforcing immigration laws made the risks and costs of being in public spaces and being mobile significantly high for undocumented migrants as it increased their chances of encountering the police. This was a cause for anxiety for many. The resultant fear of encountering the police placed the undocumented migrants into enforced “entrapment” (Núñez & Heyman, 2007; Talavera, Núñez-Mchiri & Heyman, 2010). This entrapment is less about migrants being absolutely nailed to the ground but more about how they were constricted by the high risks and costs of being mobile. Given the high risks and costs of moving

around looking/asking for jobs and the fear of apprehension, many undocumented Zimbabwean migrants ended up taking low-status, low-paying and menial jobs because they were easy to find, as attested by Pardon:

That thing of being choosy about jobs, you [will be] know[ing] that your life is in order [you have papers] and there is no need for you to hurry. But if you are like some of us [with no papers], you know that you don't have time to waste [being selective about jobs], unokumba zvese-zvese uchiti chamuka inyama (you grab everything saying that anything that comes up is game meat).

By taking these jobs, they showed a lot of flexibility, particularly by forfeiting their initial pre-migration dreams of a better job, and took any jobs that were available despite the conditions. Many showed great dislike of such jobs because they were socially degraded. For example, Ratidzo aspired to get a better job when she first came to South Africa but ended up taking domestic work:

I never thought that I would be someone else's housegirl. I was thinking that I will find a job as a waiter in a hotel or work in big shops [as a shop attendant], not this [being a domestic worker].

Lovemore came to South Africa hoping to find a job as a truck driver, but when I interviewed him in September 2015, he was working as a mud mixer in construction. These people were supremely disinterested in the jobs they were doing. What made the situation somewhat depressing for some undocumented migrants was that the jobs they were doing in South Africa were held in low esteem back in Zimbabwe. Such migrants did not want their relatives and friends in Zimbabwe to know the jobs they were doing in South Africa. Several people who were doing low-status jobs, such as “*kukanya dhaka*” (mud mixing), “*kuchera matrench*” (digging trenches) or “*kucheka lawn*” (lawn mowing), or even domestic work, told me that they would not disclose such jobs to people in Zimbabwe. Lovemore said he felt embarrassed with the job he was doing and would never disclose it to the people in Zimbabwe, “*Ndingaudza vanhu sei kuti ndiri dhaka boy?*” (How can I tell people that I am a mud mixer?) He

had previously sent his CV to different companies and everywhere the employers turned down his applications for not having papers. Because he did not have the proper documents authorizing him to work and stay in South Africa, Lovemore bemoaned that he was left with no other choice but to work as a casual hand for subcontracted construction companies doing very tedious tasks, such as pushing loaded wheelbarrows. This shows that being “illegal” closed labour market opportunities for undocumented migrants and subsequently impelled them into jobs they disliked.

Doing such low-status, low-paying and menial jobs was not only physically draining; it was also emotionally exhausting. Lovemore told me that if he were to disclose his job to people in Zimbabwe, they would scornfully ask, “*Saka ungaendera kuJoni (South Africa) kunoita dhaka boy shuwa?*” (Surely, how do you go to Joni (South Africa) to be a mud mixer?) He said, for the people in Zimbabwe, it was less-sensical that one would go to South Africa to do such despised jobs. However, for these undocumented migrants, the fear that deportation could result in an abrupt termination of their time in South Africa pushed them to be less selective about which jobs to do; instead, they accepted any job because any job they got was better than not having a job at all.

Exploitation

Zimbabwean migrant workers in South Africa are popular for their strong work ethic to the extent that employers prefer them to South African workers. Such employer preference was confirmed in one of South Africa’s leading radio stations, SA FM’s morning breakfast show, Forum@8, on 31 January 2017. The show discussed why employers in South Africa preferred Zimbabwean employees, most of whom are undocumented, ahead of locals. The show was inundated with call-ins from employers and employees confirming that Zimbabweans were better employees. One caller from Grahamstown said Zimbabweans “were more grateful for getting an opportunity to work and have a good work ethic” (TalkPoint Zim, 2017). From the show, it could be noted that migrant workers from Zimbabwe have a celebrated work ethic; they were perceived as cheap to employ, obedient, trustworthy and easy to manage, flexible (they were prepared to work anytime, anywhere) and were hard workers.

While Zimbabweans’ celebrated work ethic somehow

mirrors the historical racial construction of the labour market in South Africa through stereotypical imaginaries of foreign workers as cheap and hard workers, the undocumented Zimbabwean migrants in this study stressed that their work ethic was structurally determined by the condition of “illegality” and the fear emanating from their vulnerability to arrest and deportation:

It's because we are illegal... it's because of our situation. You come here [to South Africa], you don't have papers and you are afraid of the police so when you get a job, you try to keep it, you do everything that will make you stay on the job. You don't want to do anything that will make your employer report you to the police. (Melody)

The undocumented migrant workers appeared to be more grateful for the opportunity to work because they were aware that being “illegal” limited job opportunities for them. As such, once an opportunity to work arose, they quickly grabbed it, no matter the conditions. Again, as Melody attested above, the fear of arrest disciplined them into obedient employees as they were afraid to do anything that could invite the police.

The possibility and fear of arrest and deportation gave a competitive disadvantage to undocumented migrant workers in their employment relationships while simultaneously tilting the balance of power in favour of employers. This was mainly because the employers hired undocumented migrant workers with the tacit understanding that due to their “illegality” and fear of deportation, there was little regulating the employment relationship or protecting the “illegal” employees. The undocumented migrants had a strong inclination to working (and living) under the radar as a way of avoiding unnecessary contact with authorities, which made it difficult for authorities to regulate their employment relationships and thus made undocumented workers more vulnerable to abuse. As Griffin (2011) notes, undocumented migrant workers’ fear of arrest and deportation extended to those institutions designed to protect and enforce their rights as workers to the extent that they were even afraid of participating in the labour movement, like joining trade unions.

Employers manipulated undocumented migrant workers’

fear of police arrest and deportation and exploited them. Some employers would quickly raise the “but you are illegal and can be deported anytime” banner whenever their undocumented workers appeared to challenge the power dynamics in the employment relationship. This consequently rendered undocumented workers politically docile. For example, Ronny told me that when he first came to South Africa, he worked as a farm worker but left the job after his employer threatened to have him arrested because:

I had just asked for my money. Our employer did not pay us for two months, just imagine. I then mobilized the other boys that I was working with that let us not work anymore until we are paid. I was the most vocal and he warned me, “You, you want to see too much. Remember the police are looking for people like you.” I then became scared that he would get me arrested. I left after two days.

In this case, Ronny’s employer reminded him of his “illegality” in order to pacify him. Previous research found that several farmers in Limpopo used the same strategy against their undocumented migrant employees. The farmers became notorious for reporting their undocumented farm workers to the police when time to pay them their wages approached or when they appeared to be subversive (Human Rights Watch, 2006). In the case of Ronny, his employer exploited and took advantage of his “illegality” and the fact that he could be arrested and deported.

Other employers also pacified their undocumented employees by reminding them of their “illegality” and that they did not deserve to work in South Africa. This often made the undocumented employees feel indebted to their employers and grateful for the opportunity to work. Amos, who was working as a daily-wage worker, revealed that some employers would pay them less than they had initially agreed and if the undocumented migrant tried to complain, the employer would just say, “But [at least] I gave you a job.” By saying this, the employers would be trying to make undocumented migrants see how they extended a favour which they did not deserve due to their “illegal” status. It would be like telling the undocumented migrants that, “Because [you know that] you are not allowed to work here.” Once the undocumented migrants were reminded of their lack of deservingness, they would become more grateful for the opportunity given to them to work even if they were robbed of a part of their wages.

The fear of arrest and deportation also locked some

undocumented migrant workers into a state of spatial entrapment in which they tried to evade the unpredictable perils of immigration enforcement by retreating into private spaces of work. For such migrants, the workplace provided relative refuge from official detection. Sharon, a live-in domestic worker, admitted that, "Sometimes it is safer to be in your workplace, you keep yourself away from trouble." The desire to remain invisible from the police and the fear of arrest subjected people like Sharon into enforced spatial immobility. Sharon spent most of her time in the home because she was afraid that if she went out, she may be arrested. De Genova (2002) laments that such restricted physical mobility for fear of arrest signifies a measure of captivity for undocumented migrants and opens opportunities for them to be over-exploited. The fear of deportation and the sense of being relatively safe from police surveillance when they were in their places of work confined the undocumented migrants in an endless cycle of work that restricted them to the physical space of work. For example, Tinaye worked as a welder. His employer allowed him to stay in the workshop together with his other two workmates, all from Zimbabwe with no documents. Tinaye said staying in the workshop was much safer than living away from the workplace because it limited their chances of encountering the police or even interacting with hostile citizens. However, he lamented that the downside was that his employer took advantage of that and made them work for very long hours.

The understanding that deportation was an ultimate possibility instilled great fear of idleness and stimulated a strong urge to make their time in South Africa as productive as possible. Earnest said every day he worked "as if today [was my] last day here in South Africa." Some undocumented migrants were doing multiple jobs in order to maximize their time in South Africa. Oliver, James and Toby all had very anti-social work-time arrangements, working two jobs each day. At night they worked as security guards and during the day they did "*contraca*" (contract work) in construction. For these men, their daily routines of work and home time were not as rigid as others who moved from their home to their workplace and back. Instead, they juggled between different jobs every day with little or no time to rest. They said they were able to do so because security work at night allowed them to sleep. However, they were always overworking themselves and always complained of tiredness. What motivated them was the desire to make as much

money as possible before deportation eventually struck. The feeling that they were living off borrowed time produced an apparent economic dynamism and zeal to work very hard and for long hours. Their urge to work unceasingly hard, even for less money, was less motivated by wage incentives but rather by the fear that their time in South Africa could be untimely interrupted. This is an inversion of other scholars' theorizations of how workers accepted lower wages because of the pressures of "social reproduction" especially in the context of precariousness (Fudge and Owens 2006; Malinga 2015). But for the undocumented Zimbabwean migrants in this study, their exploitation largely emanated from the political-legal constraints of being "illegal" and deportable.

Conclusion

This article has provided some insights into the effect of immigration enforcement on the work experiences of undocumented migrant workers in South Africa. The article has underlined that intensified immigration enforcement makes the threat/possibility of arrest and deportation more perceptible to undocumented migrants, even before it actually materializes. This generates a strong sense of fear and anxiety over the possible materialization of arrest and deportation. This fear comes from undocumented migrants' understanding that if they were to encounter police officials, they would likely be arrested and deported. The undocumented Zimbabwean migrants saw deportation from South Africa as a dreaded end which they wished may not happen before they had worked and accrued enough.

As intensified immigration enforcement rekindled the fear of arrest and deportation into an everyday reality, it adversely impacted undocumented migrants' positioning and participation in South Africa's labour market. By analyzing the effect of fear and anxiety over the possibility of arrest and deportation, we broaden explanations on why (and how) undocumented migrant workers are over-exploited and perform socially degraded jobs. The empirical evidence has shown that the understanding and fear that their time in South Africa is terminable constricted the ability of many undocumented Zimbabwean migrants to choose what jobs to do. As a result, they would just take any job that came no matter the conditions. Again, the desire to work and make the best of their time in South Africa and the fear of deportation had a huge disciplinary

effect on the undocumented migrant workers, which made them politically docile and sometimes unwilling or fearful to participate in the labour movement. This left them extremely vulnerable to employer exploitation and abuse.

Endnotes

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Bibliography

- Aglotsson, E. & Klaaren, J. 2003. "Policing Migration: Immigration Enforcement and Human Rights in South Africa." *Migration Policy Brief No. 14*. Cape Town: Southern African Migration Project.
- Allison, S. 2015. Attacks on migrants show failure to stem racial tension. *Mail and Guardian*, November 10. Available: <https://mg.co.za/article/2015-11-10-attacks-on-migrants-show-failure-to-stem-racial-tension> (16/02/2016).
- Bernstein, A, and S. Johnston. 2006. "Immigration: Myths and reality." *Business Day*, 11 May: 13. Accessed: <http://www.cde.org.za/images/pdf/2006%20Immigrants%20in%20South%20Africa.pdf>. (20/09/2014).
- Bloch, A. 2008. "Gaps in Protection: Undocumented Zimbabwean Migrants in South Africa." *Forced Migration Studies Programme Working Paper No. 38*. Johannesburg: University of the Witwatersrand. 1-19.
- Bloch, A., and Schuster, L. 2005. "At the Extremes of Exclusion: Deportation, Detention and Dispersal." *Ethnic and Racial Studies*, 28(3), 491-512.
- Bosch, C. 2006. "Can Unauthorised Workers be Regarded as Employees for the Purposes of the Labour Relations Act?" *Industrial Law Journal*, 27, 1342.
- Campbell, E. K. 2006 Reflections on Illegal Immigration in Botswana and South Africa. *African Population Studies*, 21(2), 1-23.
- Chavez, L. R. 1992. *Shadowed Lives: Undocumented Immigrants in American Society*. Fort Worth: Harcourt Brace Jovanovich.
- Cornelius, W. A., T. Tsuda, P. L. Martin, and Hollifield, J. F. (eds). 2004. *Controlling Immigration: A Global Perspective (2nd ed.)*. Stanford: Stanford University Press.
- Coutin, S. B. 2000. *Legalizing Moves: Salvadoran Immigrants' Struggle for U.S. Residency*. Ann Arbor: University of Michigan Press.
- Crush, J. 1997. *Covert Operations: Clandestine Migration, Temporary Work and Immigration Policy in South Africa*. Cape Town: Southern African Migration Project.
- Crush, J. 2011. "Complex Movements, Confused Responses: Labour

- Migration in South Africa.” *Migration Policy Brief No. 25*. Cape Town: Southern African Migration Project.
- Crush, J., and Williams, V. 2003. “Criminal Tendencies: Immigrants and Illegality in South Africa.” *Migration Policy Brief No. 10*. Cape Town: Southern African Migration Project.
- De Genova, N. P. 2002. “Migrant ‘Illegality’ and Deportability in Everyday Life.” *Annual Review of Anthropology*, 31, 419-447.
- Department of Home Affairs Annual Reports (2014). Available: <http://www.dha.gov.za/index.php/about-us/annual-reports> (02/09/2016).
- Department of Home Affairs. 1980-2010. Annual Reports. Available: <http://www.dha.gov.za/index.php/about-us/annual-reports> (02/09/2016).
- Dreby, J. 2015. *Everyday Illegal: When Policies Undermine Immigrant Families*. California: University of California Press.
- Fassin, D. 2011. Policing Borders, Producing Boundaries: The Governmentality of Immigration in Dark Times. *Annual Review of Anthropology*, 40, 213-226.
- Fine, J. 2014. “Migration and Migrant Workers in the Post-apartheid Era.” *Global Labour Journal*, 5(3), 330-346.
- Fudge, J., and Owens, R. 2006. *Precarious Work, Women, and the New Economy: The Challenge to Legal Norms*. Oxford: Hart Publishing.
- Galvin, T. M. 2015. “‘We Deport Them but They Keep Coming Back’: The Normalcy of Deportation in the Daily Life of ‘Undocumented’ Zimbabwean Migrant Workers in Botswana.” *Journal of Ethnic and Migration Studies*, 41(4), 617-634.
- Green, P. and Grewcock, M. 2002. “The War Against Illegal Immigration: State Crime and the Construction of a European Identity.” *Current Issues in Criminal Justice*, 14(1), 87-101.
- Griffin, L. 2011. “Unravelling Rights: ‘Illegal’ Migrant Domestic Workers in South Africa.” *South African Review of Sociology*, 42(2), 83-101.
- Griffiths, M. B. E. 2014. “Out of Time: The Temporal Uncertainties of Refused Asylum Seekers and Immigration Detainees.” *Journal of Ethnic and Migration Studies*, 40(12), 1991-2009.
- Hiropoulos, A. 2017. “Migration and Detention in South Africa: A Review of the Applicability and Impact of the Legislative Framework on Foreign Nationals.” *Policy Brief*, pp. 1-32.
- Human Rights Watch. 2006. *Unprotected Migrants Zimbabweans in South Africa’s Limpopo Province*. New York: Human Rights Watch, Volume 18, No. 6 (A).
- Human Rights Watch. 2007. “Keep Your Head Down”: *Unprotected Migrants in South Africa*. New York: Human Rights Watch.
- Klaaren, J., and Ramji, J. 2001. “Inside Illegality: Migration Policing in South Africa After Apartheid.” *Africa Today*, 48(3), 35-47.
- Klotz, A. 2000. “Migration After Apartheid: Deracialising South African Foreign Policy.” *Third World Quarterly*, 21(5), 831-847.

- Klotz, A. 2013. *Migration and National Identity in South Africa, 1860–2010*. New York: Cambridge University Press.
- Landau, L.B. 2005. “Immigration and the State of Exception: Security and Sovereignty in East and Southern Africa.” *Millennium: Journal of International Studies*, 34(2), 325-348.
- Landau, L.B., K. Ramjathan-Keogh, and Singh, G. 2005. “Xenophobia in South Africa and Problems Related to it.” *Forced Migration Studies Programme Working Paper No. 13*. Johannesburg: University of the Witwatersrand.
- Lugo, A. 2000. “Theorising Border Inspections.” *Cultural Dynamics*, 12(3), 353-373.
- Machinya, J. 2019. *The Life and Labour of ‘Illegal’ and Deportable People: Undocumented Zimbabwean Migrants Living and Working in Witbank, South Africa*. Thesis submitted for a Doctor of Philosophy degree in Sociology. Johannesburg: University of the Witwatersrand.
- Maharaj, B., and Rajkumar, R. 1997. “The ‘Alien Invasion’ in South Africa: Illegal Immigrants in Durban.” *Development Southern Africa*, 14(2), 255-273.
- Malinga, M. V. 2015. *Precarious Employment and Fathering Practices Among African Men*. PhD thesis submitted for a Doctor of Philosophy degree in Psychology. Pretoria: University of South Africa.
- Maromo, J. 2015. “The numbers behind Operation Fiela.” *Mail and Guardian*, 7 September: <https://mg.co.za/article/2015-09-07-the-numbers-behind-operation-fiela> (Accessed: 24 May 2016).
- Nevins, J. 2001. *Operation Gatekeeper: The Rise of the “Illegal Alien” and the Remaking of the U.S. – Mexico Boundary*. New York: Routledge.
- Newling, D. (2013) “Taxi driver dragged to his death in South Africa is pictured with his sister as eight police officers are charged with murder.” *MailOnline*, March 1. Accessed: <https://www.dailymail.co.uk/news/article-2286421/Mido-Macia-Taxi-driver-handcuffed-police-van-dragged-death-cops-responsible-suspended.html>. (11/07/2018).
- Nkuna, F. (2017, November 8). Woman accused of being an illegal immigrant remains in custody. *Witbank news*, pp. Accessed: <https://witbanknews.co.za/102707/woman-accused-illegal-immigrant-remains-custody/> (12/02/2019).
- Núñez, G. G. and Heyman, J. M. 2007. Entrapment Processes and Immigrant Communities in a Time of Heightened Border Vigilance. *Human Organization*. 66(4), 354-365.
- Peberdy, S. 2001. “Imagining Immigration: Inclusive Identities and Exclusive Policies in Post-1994 South Africa.” *Africa Today*, 48(3), 15-32.
- Perea, J. F. 1997. *Immigrants Out!: The New Nativism and the Anti-Immigrant Impulse in the United States*. New York: New York

University Press.

- Reeves, M. (2015). Living from the Nerves: Deportability, Indeterminacy, and the 'Feel of Law' in Migrant Moscow. *Social Analysis*, 59(4), 119-136 .
- Rutherford, B., and L. Addison. 2007. "Zimbabwean Farm Workers in Northern South Africa." *Review of African Political Economy*, 34(114), 619-635.
- Segatti, A. and Landau, L. B. (eds.). 2011. In *Contemporary Migration to South Africa: A Regional Development Issue*. Washington: The International bank for Reconstruction and Development.
- Sutton, R., and Vigneswaran, D. 2011. "A Kafkaesque State: Deportation and Detention in South Africa." *Citizenship Studies*, 15(5), 627-642.
- Talavera, V., Núñez-Mchiri, G. G. and Heyman, J. M. 2010. "Deportation in the US-Mexico Borderlands: Anticipation, Experience, and Memory" In De Genova, N. P. and Peutz, N.(eds.) *The Deportation Regime: Sovereignty, Space, and the Freedom of Movement*. Durham: Duke University Press (166-195).
- TalkPoint Zim. 2017. "SA FM Heaps Burning Coals on Zimbabweans' Heads." *TalkPoint Zim*, 1 February: <http://talkpointzim.com/index.php/sa-fm-heaps-burning-coals-on-zimbabweans-heads/> (02 Feb. 2017).
- Van Nieuwenhuyze, I. 2009. *Getting by in Europe's Urban Labour Markets: Senegambian Migrants' Strategies for Survival, Documentation and Mobility*. Amsterdam: Amsterdam University Press.
- Velapi, M. 2015. Civil society groups condemn 'Operation Fiela'. *Elitsha*. June 1. Available: <http://wwmp.org.za/elitsha/2015/06/01/civil-society-groups-condemn-operation-fiela/> (16/02/2015).
- Vigneswaran, D. 2011. "Migration Control, Documentation, and State Transformation." In *Contemporary Migration to South Africa: A Regional Development Issue*, by Segatti, A. and Landau, L. B. (eds.). Washington: The International bank for Reconstruction and Development (105-119).
- Vigneswaran, D. and Duponchel, M. 2009. "One Burden Too Many? A Cost-Benefit Analysis of Immigration Policing in Gauteng." Forced Migration Studies Programme. Johannesburg: University of the Witwatersrand.
- Vigneswaran, D., Araia, T., Hoag, C. and Tshabalala, X. 2010. "Criminality or Monopoly? Informal Immigration Enforcement in South Africa." *Journal of Southern African Studies*, 36(2), 465-481.
- Walters, M. 2002. "Deportation, Expulsion, and the International Police of Aliens." *Citizenship Studies*, 6 (3), 265-292.
- Zerubavel, E. 1981. *Hidden Rhythms: Schedules and Calendars in Social Life*. Berkeley: University of California Press.