

Strengthening Strategic Engagement and Movement Building for Migrant Rights in South & Southern Africa

Research Brief 2

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I. Introduction

Research Brief I synthesised findings on the characteristics, footprint, and advocacy of migrant organisations in South Africa (SA). *Research Brief II* examines the evolving socio-political landscape for the migrant rights sector, offering new interpretations of the tensions identified in Research Brief I and clarifying key terms used in the project. Drawing on data from Deliberation Workshop 1 (January 2025), the Porticus "MOVE" Convening (April 2025), follow-up interviews, and desktop review, *Brief II* provides an updated analysis of the current migrant rights ecosystem, while discussing key concepts such as migrant rights and movement-building.

II. Context Updates

2.1 Socioeconomic and Political Context Updates

Understanding the socio-economic and political context is critical for social movements. Every social movement emerges or operates within a specific social, economic, and political context (often referred to as ‘the political opportunity structure’) which can facilitate or constrain its efforts, shape its strategies, and ultimately influence its success or failure. Such understanding empowers social movements to develop strategies to effectively respond to context-specific challenges and/or capitalise on available opportunities. The following provides a brief overview of the key developments in this context.

Securitising Migration: Deportations and the Border Management Authority

The establishment of the Government of National Unity (GNU) created opportunities for policy shifts in SA’s immigration strategy, allowing hope for a potentially rights-based approach. However, the GNU has overseen an intensified push for the securitisation of migration, with deportations increasing by 18% in the 2024/2025 fiscal year. This is indicative of the impact of the Border Management Authority launched in 2023 and the expansion of the state’s surveillance capacity through the use of new technology and AI such as drones and body-worn cameras. This shift towards a technocratic, securitised model follows a trend of exclusionary immigration policies found in other countries while contradicting SA’s international human rights obligations.

The White Paper on Citizenship, Immigration, and Refugee Protection

The Department of Home Affairs (DHA) White Paper on Citizenship, Immigration, and Refugee Protection (2024) proposes expansive changes to the immigration legislation framework, including amendments to the Citizenship Act (1995), the Immigration Act (2002), and the Refugees Act (1998). It recommends reviewing and withdrawing from the 1951 UN Refugee Convention and the 1967 Protocol and intends to re-join with

reservations that would restrict the socioeconomic rights of refugees. This step would not only undermine established protections for asylum seekers and refugees but also likely contravene SA's Constitutional and international obligations.

Despite civil society claims that the public participation in the policy process was inadequate, the DHA has ignored calls to withdraw the White Paper. The anti-xenophobia coalition Kopanang Africa Against Xenophobia (KAAX) has urged the newly reconstituted Immigration Advisory Board to ensure the law and policy align with constitutional principles of human dignity and respect for basic human rights for “all who live in this country.”

Regulating the Informal Economy

Many international migrants, like many South Africans, earn their livelihoods from working in the informal economy in the context of rising unemployment and poverty¹. The implementation of Cooperative Governance and Traditional Affairs (CoGTA)'s Standard Draft By-Law for Township Economies and a national spaza shop registration drive present significant challenges for migrant entrepreneurs.² The by-law imposes stringent compliance requirements, including mandatory business permits and health and safety requirements, disproportionately affecting those lacking formal registration or valid permits. Additionally, provisions that allow municipalities to impose quotas on foreign-owned businesses limit migrant participation and risk unlawful economic exclusion.

The Gauteng Township Economic Development Act (2022) exacerbates these exclusions for Gauteng by reserving sectors such as spaza shops, informal retail, and automotive repairs for citizens and permanent residents only.³ This exclusion likely contravenes constitutional principles of equality and freedom of trade and conflicts with international obligations under the International Covenant on Economic, Social and Cultural Rights (ICESCR).⁴

Instead of addressing structural issues such as limited access to capital and poor infrastructure, these policies reinforce xenophobic narratives, displacing blame onto migrants and legitimizing exclusion through law. Municipal by-laws, aligned with CoGTA guidelines, further restrict informal trading by non-citizens through permit systems and location restrictions, enabling selective enforcement and administrative harassment.⁵ This

¹ Mamokete Modiba and Thobelani N. Mdluli, 'The Inclusion of International Migrants in the Informal Economy: From Policy to Practice,' in *Migrant Traders in South Africa*, ed. Praniitha Maharaj, Sustainable Development Goals Series (Cham: Springer International Publishing, 2023).

² South African Government News Agency, 'Government Simplifies the Process to Apply for Spaza Shop Permits' *SANews*, 20 November 2024.

³ Gauteng Provincial Legislature, 'Gauteng Township Economic Development Act,' 2022.

⁴ SA Government, 'The Constitution of South Africa (No. 108 of 1996)' (1996); United Nations, 'International Covenant on Economic, Social and Cultural Rights (ICESCR)' (New York: United Nations, 1966),

⁵ Willene Holness, 'eThekweni's Discriminatory Bylaws: Criminalising Homelessness,' *Law, Democracy and Development* 24 (2020): 468–511.

restrictive stance is echoed in the National Labour Migration Policy, which introduced quotas on international migrants in specific sectors, reinforcing the exclusionary approach.⁶

Attacks on NGOs

Despite intensifying restrictions on migrants, NGOs advocating for migrant rights increasingly face political attacks.⁷ Government officials have accused groups like the Socio-Economic Rights Institute (SERI) and the Helen Suzman Foundation (HSF) of undermining state authority, particularly when challenging state actions in court.⁸ After a judgement preventing the DHA from terminating the ZEP, then-Minister of Home Affairs, Aaron Motsoaledi, condemned the court ruling as setting “a bad precedent”.⁹

SERI has been accused of blocking evictions from so-called “hijacked buildings” in Johannesburg, despite its efforts aligning with Constitutional protections requiring alternative accommodation for evictees.¹⁰ Rather than addressing housing needs, officials accused SERI of enabling “illegal immigrants” to “run amok” in the city.¹¹

The General Intelligence Laws Amendment Bill (GILAB) further threatens civil society by allowing the State Security Agency to vet NGOs and individuals deemed of “national security interest,” particularly those receiving foreign funding.¹² Critics argue that the Bill’s vague definitions and limited oversight risk politicising intelligence functions, intimidating NGOs and shrinking civic space.¹³ Compounding this pressure is the “Foreign Agents” Bill, introduced by Vuyolwethu Zungula (then-president of the African Transformation Movement, ATM), which seeks to classify foreign-funded NGOs as “foreign agents,” accusing them of advancing foreign agendas at the expense of national sovereignty.¹⁴⁻¹⁵ The abrupt termination of US health funding under the current Trump administration in early 2025 also has far-ranging implications for the health services of migrants and NGOs serving them.¹⁶

⁶ Department of Employment and Labour, ‘National Labour Migration Policy 2021 (2).’,

⁷ Heidi Swart, ‘Democracy Down: Ramaphosa’s Proposed State Security Vetting of NGOs an Onslaught on SA’s Future,’ *Daily Maverick* 26 July 2023.

⁸ Socio-economic Rights Institute (SERI), ‘SERI Launches Application to Overturn Prohibition of Johannesburg Anti-Xenophobia March (19 March 2022)’, Press Statement, 2022; Socio Economic Rights Institute, ‘Press Release: SERI Condemns Unlawful Raids and War on The Poor By City Of Johannesburg’s Acting Mayor’, 16 May 2023.

⁹ Zukiswa Pikoli, ‘Government Officials Play the NGO Blame Game While the Lives of Vulnerable Migrants Are at Stake’ *Daily Maverick* 10 September 2023.

¹⁰ Socio Economic Rights Institute, ‘Press Release: Seri Condemns Unlawful Raids and War on The Poor by City of Johannesburg’s Acting Mayor’; Nonkululeko Njilo, ‘City of Johannesburg Points Finger at NGOs and Foreign Nationals after Deadly Inner-City Fire’, *Daily Maverick*, 31 August 2023; Rebecca Walker, ‘A Building and Lives Left to Burn – 80 Albert St Must Be Remembered This Way’, *Daily Maverick*, 3 September 2023.

¹¹ Pikoli op cit

¹² Government Gazette, ‘General Intelligence Laws Amendment Act, 2024. Act No. 37 of 2024.’, 2024.

¹³ Guy Martin, ‘SA’s New “Spy Bill” Lacks Sufficient Checks and Balances, Civilian Oversight- Institute for Security Studies,’ *defenceWeb*, 25 October 2023.

¹⁴ Ibid

¹⁵ Siphso Jack, ‘ATM to Sponsor a “Foreign Agents” Bill,’ *IOL*, 23 July 2024.

¹⁶ Jay Kruuse, ‘Health and Human Rights Groups (Again) Call on Government to Mitigate Impact of Trump’s Aid Freeze – PSAM,’ *Public Service Accountability Monitor* (blog), 18 March 2025, <https://psam.org.za/health-and-human-rights-groups-again-call-on-government-to-mitigate-impact-of-trumps-aid-freeze/>.

Ongoing xenophobic violence, discrimination and populism

The deadly xenophobic attacks in Addo, Eastern Cape, in May 2025¹⁷ serve as a reminder that xenophobic violence and discrimination continue to pose a serious threat to migrants' lives, livelihoods, well-being, and rights in South Africa. Research consistently shows that xenophobic sentiments are widespread, cutting across race, class, gender, age, ethnicity, and religion. Even more worryingly, a significant number of people are prepared to express these sentiments through violence.¹⁸ A 2018 Human Sciences Research Council (HSRC) survey reveals that, "More than 1 in 10 adults living in South Africa would be prepared to take violent action against foreign nationals."¹⁹ Similarly, the Institute for Justice and Reconciliation (IJR) reports that, in 2023, more than a quarter of South Africans indicated that they are "likely or very likely to take action to prevent African migrants from moving into their neighbourhood, operating a business in their area, or accessing jobs or government services."²⁰

Beyond physical violence, xenophobic discrimination also manifests in denied access to services, evictions, extortion, harassment, intimidation, selective enforcement of by-laws, unlawful arrests, and verbal abuse. These acts are considered xenophobic when driven by anti-immigrant sentiments. Visit [Xenowatch](#) for detailed analyses of trends, causal factors, implications of xenophobic violence and discrimination in South Africa.

As outlined in Research Brief 1, anti-immigrant mobilisation and xenophobic populism have moved from the local streets to mainstream politics. Groups and political parties such as Operation Dudula, All Truck Drivers Forum, South Africa First, Patriotic Alliance, and Action SA openly and actively promote—and in some cases use violence to enforce—discrimination against migrants in South Africa.²¹

Xenophobic discrimination in South Africa continues largely unchecked, with no effective prevention or response mechanisms. Despite adopting the National Action Plan (NAP)²², the government's response has been marked by denialism, lack of political will, and impunity for perpetrators. Civil society efforts, while well-intentioned, have also largely failed to produce meaningful change. These failures are mainly attributed to the sector's limited political 'muscle' to hold the state accountable, and the reliance on interventions that are not evidence-based but rather informed by untested theories of change. As a result, xenophobic discrimination remains entrenched and continues to threaten migrant rights.²³

¹⁷<https://groundup.org.za/article/hundreds-of-women-and-children-chased-from-their-homes-as-xenophobic-attacks-kill-four/>

¹⁸ HSRC. 2020. Brief #2: How to Reduce Xenophobia in South Africa.

¹⁹ Gordon, S (2019). What research reveals about drivers of anti-immigrant hate crime in South Africa".

²⁰ IJR. (2023). South African Reconciliation Barometer: 2023 Report.

²¹ Misago, J.P and Landau L. (2019). "Truck driver 'war' about more than migration." New Frame, 28 June 2019

²² The National Action Plan (NAP) to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance

²³ For details: Misago, J.P, Kabiri, B., & Mlilo, S. (2021). Xenophobic Violence in South Africa: An Analysis of Trends, Causal Factors and Responses. A Xenowatch Quinquennial Report. African Centre for Migration & Society (December 2021).

2.2 Migrant Rights Sector Updates

Migrant Rights and Social Movements

Identifying a cohesive national social movement centred on international migrant rights in South Africa remains complex. The politicisation of migration, internal divisions among migrant groups, limited funding, and a lack of unified support from both South African and migrant communities could undermine efforts to build a collective advocacy agenda.

Migrant Sector Collaborations

Some interviewees noted increased collaboration within the migration sector, while others highlighted persistent challenges such as a lack of coordination, and the ongoing issue of “working in siloes.” Upon further probing, most interviewees acknowledged an increase in collaboration, describing it as a “marked improvement,” “trending towards collaboration” and a “bit better than 5-10 years ago.” However, many of these comments came with significant caveats including competition for funding and the lack of joint or collaborative applications. Others pointed to tensions about leadership composition such as distinctions drawn between refugee-led organisations, migrant-led organisations, and organisations with hybrid management structures, and “pushback from local organisations” because of stereotypes and xenophobia. One respondent also noted a decline in collaboration between migrant-focused organisations and mainstream NGOs over the past decade. Another respondent reflected on the lack of a solid foundation for existing organisations in movement-building, highlighting the reliance on individuals to drive collaborations. This means that “collaborations are not rooted in movement-building and engaging/empowering the people directly affected.”

Examples given of collaboration include umbrella bodies such as the South Africa Refugee-led Network (SARLN) and the Consortium for Migrants and Refugees in South Africa (CoRMSA), and recently, emerging collaborations through Porticus partners convening and engaging critically with social movement-building.

Interviewees also discussed the increase in refugee-led or migrant-led bodies, attributing it to shifting funding dynamics, with donors actively “pushing for refugee-led initiatives – and funding being prescriptive...”. This has shaped political mobilisation along identity lines. Others suggested that this rise of these organisations reflects broader social integration, as long-standing refugee-led entities – especially those established in the early 1990s – have achieved greater integration, and financial stability.

Follow-up questions to Key Informants explored the possible impact of refugee-led, migrant-led organisations on movement-building, revealing mixed views. Some saw these organisations as diversifying and enriching the movement, while others warned that nationality- or issue specific bodies could fragment collective migrant

rights advocacy, potentially undermining broader migrant rights goals. One respondent reflected that much of the existing migration sector collaboration lacks a foundation in movement-building, a point worth quoting at length:

“[...] there is not the politics of the anti-apartheid struggle that was the glue that held collaborations, alliances and networks together on principles of non-sectarianism but [also] unity in action against a common enemy. It is the politics of movement-building that is the issue [in the migration sector]. Collaboration is often driven by individuals, and these collaborations are not rooted in movement-building and engaging/empowering the people directly affected.

Collaborations are then reduced to semantics of “[Is]this afrophobia or is this xenophobia?” for example [...] When it comes to addressing migration, it is difficult to extricate the collaboration from politics of identity related issues. And it is difficult to root this in class, gender and race-based politics of discrimination and exclusion. Often it is the lowest common denominator that informs the collaboration which often gets reduced to social cohesion. And this will not deal with the criminalisation of movement of people. This will not deal with precarious forms of work [...].

These nuances highlight the complexities of building cohesive social movements within the migrant sector.

Against this background, drawing lessons from impactful social movements in SA could be helpful. A popular example of how marginalized groups were effectively mobilized to assert their rights and build a social movement in the context of political repression is the work of the Treatment Action Campaign (TAC) during AIDS denialism. TAC’s model of grassroots mobilization, community-driven leadership, evidence-based advocacy, and strategic engagement with the media to drive narrative change demonstrates how marginalized communities were able to successfully leverage collective action to challenge AIDS denialist state policies, influence public perceptions about people living with HIV/AIDS and ultimately bring about public sector ARV provision.

III. Conceptual and Operational Definition of Terms

Social Movements

Diani (1992) defines social movements as “networks of informal interaction between a plurality of individuals, groups and/or organizations, engaged in political or cultural conflicts, on the basis of shared collective identities.”²⁴ Tarrow updates this definition by adding the following elements that characterise social movements in the 21st century: “Collective challenges, based on common purposes and social solidarities, in

²⁴ Mario Diani, ‘The Concept of Social Movement,’ *Sociological Review* 40, no. 1 (1 February 1992): 1–25.

sustained interaction with elites, opponents and authorities”²⁵ Text Box 1 below provides an overview of key elements of social movement building.

Text Box 1: Key Elements of Social Movement-building

Key elements of social movement-building:

- a) *Clear collective identity and framing*: A shared identity and compelling narrative that unifies participants and frames grievances effectively.²⁶
- b) *Strong leadership and organizational structure*: Leadership that can mobilize, strategize, and sustain momentum, supported by clear roles and coordination.²⁷
- c) *Resource mobilization*: Access to financial, human, and informational resources to support activities and outreach.²⁸
- d) *Political opportunity structures*: A favourable or shifting political environment that enables influence on policy or public opinion.²⁹
- e) *Coalition building and alliances*: Strategic partnerships with NGOs, civil society, and transnational actors to amplify impact.³⁰
- f) *Public support and media visibility*: Legitimacy and resonance with broader public values, aided by effective media engagement.³¹
- g) *Tactical innovation and flexibility*: Use of diverse and adaptive strategies, from protests to digital activism, to respond to changing contexts.³²

Identity formation is crucial to movement-building.³³ Wang and Tracey describe it as “a sense of belonging to an in-group whose interests and values are different to those of out-group members” - a dynamic that is particularly powerful for stigmatised or marginalised groups.³⁴

Social movements typically differ from NGOs and coalitions, though they may include them. While NGOs focus on specific projects and coalitions unite around single issues, movements foster lasting collective identities

²⁵ Sidney Tarrow *Power in Movement: Social Movements and Contentious Politics* (Cambridge University Press, 11 August 2022), p.11.

²⁶ Benford, R. D., & Snow, D. A. (2000). Framing processes and social movements: An overview and assessment. *Annual Review of Sociology*, 26, 611–639.

²⁷ Morris, A. D., & Staggenborg, S. (2004). Leadership in social movements. In D. A. Snow, S. A. Soule, & H. Kriesi (Eds.), *The Blackwell Companion to Social Movements* (pp. 171–196). Blackwell Publishing.

²⁸ McCarthy, J. D., & Zald, M. N. (1977). Resource mobilization and social movements: A partial theory. *American Journal of Sociology*, 82(6), 1212–1241.

²⁹ Tarrow, S. (1998). *Power in movement: Social movements and contentious politics* (2nd ed.). Cambridge University Press.

³⁰ Van Dyke, N., & McCammon, H. J. (2010). Strategic alliances: Coalition building and social movements. In *Strategic Alliances: Coalition Building and Social Movements* (pp. 1–18). University of Minnesota Press.

³¹ Gamson, W. A., & Wolfsfeld, G. (1993). Movements and media as interacting systems. *Annals of the American Academy of Political and Social Science*, 528(1), 114–125.

³² Tilly, C. (2006). *Regimes and repertoires*. University of Chicago Press.

³³ Mario Novelli et al., *Laboratories of Learning: Social Movements, Education & Knowledge-Making in the Global South* (University of Sussex, 2024).

³⁴ Milo Shaoqing Wang and Paul Tracey, ‘Anti-Stigma Organizing in the Age of Social Media: How Social Movement Organizations Leverage Affordances to Build Solidarity,’ *The Academy of Management Review* 49, no. 4 (2024).

and broader systemic change.³⁵ Social movements can use coalition-building as one of its strategies for systemic change.

These distinctions matter, particularly in contexts where donor funding and institutional logistics shape the field of advocacy.³⁶ UNICEF highlights potential tensions between NGOs and grass-roots movements, echoing critiques by feminist scholars of the “‘NGO-ization’ of movements.” These critiques argue that shifts in funding have redirected power and support away from community and-constituency-led organizing towards formal NGOs. Rather than sustaining long-term, movement-based efforts that address structural change, funding has been directed towards “single issue, service delivery projects” - at the expense of deeper-transformative work.³⁷

Migrant, human rights and migrant rights

Migrant: The word ‘migrant’ has a range of different meanings and could refer to internal migrants (movement within national borders) and to international/cross-border/foreign migrants (movement between different national borders). Possible terminology includes ‘international migrant’, which the International Organization for Migration (IOM) defines as any person living outside their country of citizenship or habitual residence permanently or temporarily and regardless of their legal status.³⁸

Human Rights: The IOM definition of human rights is useful: “Universal legal guarantees protecting individuals and groups against actions and omissions that interfere with fundamental freedoms, entitlements and human dignity.”³⁹

Migrant rights: In SA, the Constitution and legal frameworks affirm the human rights of both citizens and non-citizens. Rights can however be limited when certain conditions in the Limitations Clause of the Constitution are met. Also, in reality rights protection remains uneven and often unreachable and rights-based laws and policies are not always implemented effectively.⁴⁰ Additionally, nationalist agendas at times challenge the “the right to have rights” for migrants.⁴¹

³⁵ Valesca Lima, ‘Housing Coalition Dynamics: A Comparative Perspective,’ *Comparative European Politics* 19, no. 4 (2021): 534–53.

³⁶ Diani (1992) op cit p.14

³⁷ UNICEF, ‘Building Movements, Building Power- Eliminating Female Genital Mutilation by 2030 through Social Movements’, 2022, p.15.

³⁸ IOM, ‘International Migration Law: Glossary on Migration’ (International Organization for Migration (IOM), 2019) p.112.

³⁹ IOM (2019) op cit..p.94.

⁴⁰ SECTION27, ‘SECTION27 Welcomes Court Order Confirming That All Pregnant and Lactating Women and Children under 6 Must Be Provided with Free Health Services at Public Hospitals’, Section27, 17 April 2023, 27, Sonke Gender Justice and Lawyers for Human Rights, ‘Sonke and Lawyers for Human Rights Welcome the Deputy Minister of Police’s Statement on Unintended Consequences of Public Statements He Made in July 2017’, Sonke Gender Justice (blog), 2018, Socio-economic Rights Institute (SERI), ‘[Press Statement] SERI Launches Application to Overturn Prohibition of Johannesburg Anti-Xenophobia March (19 March 2022).’; Mkentane, ‘Foreign Nationals to Go to Court If New Township Business Law Threatens Rights’.

⁴¹ Bruce Smith, ‘Human Rights in the Context of Global Migration’ *Journal of Modern Law and Policy* 4, no. 1 (2 August 2024): 20–34.

While some interviewees accepted “*migrant rights*” terminology, others expressed concerns that isolating “international migrant rights” from broader human rights could inadvertently reinforce divisions.⁴² Cook highlights the challenges of framing human rights in national contexts “where universal human rights norms may not resonate,” particularly for international migrants who are often excluded from state-based protections.⁴³ In the Deliberation Workshop, participants discussed the complexities of framing migrant rights. Some argued that the term “migrant” carries negative connotations, while others noted that it is perceived as detracting from the rights of South Africans, framing rights as a zero-sum game. This is against the background of recent restrictive shifts in policy and legal frameworks that explicitly construct a hierarchy between the rights of citizens and international migrants. One suggestion, from workshop participants was to avoid nationality-specific language and instead emphasise broader “human rights.”

IV. Conclusion

This *Brief II* reviews key socio-economic and political developments in SA since January 2025, examines the state of collaboration within the migration sector, the framing of rights, and proposes pragmatic definitions. It highlights potential challenges to building a cohesive movement centred on international migrant rights in the SA context, characterized by rising anti-migrant mobilisation and xenophobic discrimination. It suggests that, moving forward, further collaborative and critical engagement is needed to assess the viability of movement-building as an advocacy strategy for international migrant rights. The assessment must take into account the challenges and opportunities, as well as potential costs and benefits associated with such a strategy.

⁴² Some interviewees noted that the term did not adequately reflect the complexity of people’s movement and was not sufficiently neutral as “migrant” sometimes carried pejorative meanings.

⁴³ Maria Lorena Cook, ‘The Advocate’s Dilemma: Framing Migrant Rights in National Settings’ *Studies in Social Justice* 4, no. 2 (2010): 145–64.

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