



LUNDS UNIVERSITET

“Those people” -  
Political Construction of Refugees  
and Asylum Seekers in South Africa

Consequences for the realization of  
their socio-economic rights

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*Children of iron, I thought. Florence herself, too, not unlike iron.  
The age of iron. After which comes the age of bronze.  
How long, how long before the softer ages return  
in their cycle, the age of clay, the age of earth?*

(J. M. Coetzee – Age of Iron)

# Abstract

The thesis explores how the political discourse on refugees and asylum seekers is produced within portfolio committee meetings at the South African parliament. A critical discourse analysis investigates how statements of delegates of the Department of Home Affairs and Social Development foster unequal power relations and construct social identities perpetuating the on-going discourse on refugees and asylum seekers in South Africa. Motives such as abuse, the high numbers of asylum seekers and a burdening of South Africa's resources are employed in order to justify political actions limiting the refugees' and asylum seekers' access to the asylum system and the country itself. Furthermore, delegates draw upon concepts of human rights and, primarily, of citizenship in order to validate their claims and position themselves. Qualitative interviews with refugees and asylum seekers in Cape Town as well as previous scholarly work shed light on dialectical relations between the parliamentary meetings and social consequences for refugees and asylum seekers, deriving out of the constructed discourse. They reveal the lack of timely issuance of refugee Identity Documents and the Department of Home Affairs' failure to verify refugees' and asylum seekers' documentation. These shortcomings result in excessive barriers for both refugees and asylum seekers to access financial institutions and receive social benefits. They thus attest to a severe hindrance in realizing the refugees' and asylum seekers' legal entitlements specifically regarding their socio-economic rights.

*Key words:* refugee, South Africa, critical discourse analysis, rights realization, power

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## **Acronyms and Abbreviations**

ACMS	African Centre for Migration & Society
ANC	African National Congress
CDA	Critical Discourse Analysis
Cope	Congress of the People
CORMSA	Consortium for Refugees and Migrants in South Africa
DA	Democratic Alliance
DHA	Department of Home Affairs
DSD	Department of Social Development
DRC	Democratic Republic of Congo
HRW	Human Rights Watch
ICESCR	International Convention on Economic, Social and Cultural Rights
ICCPR	International Convention on Civil and Political Rights
ID	Identity Document
IFSW	International Federation of Social Work
NGO	Non-governmental Organization
OAU	Organization for African Unity
PMG	Parliamentary Monitoring Group
RRO	Refugee Reception Office
SADC	Southern African Development Community
SASSA	South African Social Security Agency
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees

# 1 Introduction

With increasing mobility, the number of people settling in foreign countries is rising. International migration stems from development itself, and as countries continue to develop, migration will become even more frequent (Massey & Taylor 2004: 384). Migratory movements can be distinguished by various motives such as economic reasons or forced displacement, by the length of time such as permanent or periodic change of residence and by their legal status (Potter *et al.* 2008: 331). South-South Migration has recently received growing academic attention as it is estimated to be almost as large as South-North migration, and its importance is likely to increase due to stricter immigration controls in the Global North (Ratha & Shaw in Sabates-Wheeler & Feldman 2011: 9). Especially within the Southern African Development Community (SADC) countries, intra-SADC movement prevails, particularly to South Africa (Olivier 2011: 118). Parallel to heightened interest in migration motives and the movements themselves, accompanying consequences of international migration such as urbanization aspects or migrants' rights are increasingly discussed and researched.

Forced migration and the very existence of refugees and asylum seekers might be understood as antithetical to development goals or even as a symptom of an absence of development within certain countries or regions. In fact, many of the refugee-producing conflicts can be explained by the abundance of resources and the struggle for power over them or specific territories. Even though forced migration is not a straight causal consequence of development, links between development and refugees' movements certainly exist, a connection which has influenced the field of development in aspects such as humanitarian assistance and a rights discourse (Black 2008: 456). The mass movement of asylum seekers and refugees to other countries touches on processes of great importance for development studies and can enhance the understanding of complex scenarios within the field of development (ibid: 454).



## 1.1 Problem Statement

As the United Nations High Commissioner for Refugees (UNHCR) emphasizes, South Africa stands out because refugees and asylum seekers are endowed with a right to free movement, as opposed to legal regulations in all surrounding countries in the SADC region except Angola (2012b). Therefore, many refugees and asylum seekers live in urban centers within the country and have a greater access to informal networks and institutional and legal support, and likewise experience a greater exposure and interaction with South African society.

During my work at a refugee organization in Cape Town, South Africa I regularly detected that specific access structures hindered refugees and asylum seekers to enjoy their legal entitlements. In frequent encounters with governmental officials I learned that rights realization is not only concerned with the actual practices within institutions but is steered by existing discourses about refugees and asylum seekers, for example by those officials who are responsible for translating their legal entitlements into actual ones. It was particularly interesting for me to witness how departmental officials with the power to directly influence the on-going public discourse on foreign nationals and with the authority to influence legal regulations use their position to contribute to, perpetuate or aim to transform this discourse.

This thesis seeks to explore how actors in the two departments responsible for administering the asylum system and aspects of social assistance constructed the discourse on refugees and asylum seekers on a political level, and how patterns of power and dominance contributed to the production of the discourse. I assumed that the recent extension of rights to social assistance to refugees would have a specific influence on the discourse. South Africa presents a unique case as it is one of the few African countries with a national social assistance program. Considering that the right to social assistance has been extended to refugees only in 2012, studies relating to these amendments have been few.

This thesis will make use of the Critical Discourse Analysis (CDA), a concept representing approaches and methods of studying power relations between different social groups that are shaped by and mutually shaping a discourse. Discourse in this sense refers to the language associated with the specific field of refugees and asylum seekers. CDA not only concentrates on linguistic practices and power relations, but also on how these are weaved together in order to foster the interests of dominating social groups (Jørgensen & Phillips 2002: 63). Fairclough, on whose approach to CDA this thesis is mainly based upon, proposes a multi-perspectival concept in order to fully perform a critical analysis. Besides analyzing the linguistic practices of delegates at portfolio committee meetings at parliament, the analysis will therefore examine how the produced discourse draws on concepts of human rights, advocating protection and equal treatment, as well as on concepts of citizenship, with rights inherent to a particular membership status in a sovereign state.

It will further seek to explore how these manifestations influence social interactions with refugees and asylum seekers and how they contribute to current practices which refugees and asylum seekers in Cape Town are dependent upon. This thesis will hereby especially concentrate on socio-economic rights, due to recent changes in legislation and the major challenges within this domain, namely the access to documentation, social grants and banking. The thesis will be guided by the following research question:

‘How are refugees and asylum seekers in South Africa politically constructed in parliamentary debates and how does the produced discourse become manifest in the realization of their socio-economic rights?’

Whereas political constructions of non-nationals have usually been based on their representation in the media or on official statements by governmental representatives, the thesis will seek to analyze the construction of refugees and asylum seekers within regular portfolio committee meetings at parliament with

delegates from the Department of Home Affairs (DHA) and the Department of Social Development (DSD).

## 1.2 Social Work Nexus

The International Federation of Social Work (IFSW) defines the Social Work profession as promoting “social change, problem solving in human relationships and the empowerment and liberation of people to enhance well-being” (IFSW 2013). Social Work is concerned with the well-being of minority groups such as refugees or asylum seekers, challenging unjust policies and the disadvantaging consequences of national regulations concerning them. Principles of human rights and social justice are the guiding values of the social work profession. The United Nations (UN) highlights that needs can and must be translated into actual rights to ensure social justice for all, therefore it is essential that social work research explores patterns of domination and oppression in order to achieve social justice within a society (In Hölscher & Bozalek 2012: 365). The profession’s convictions are insofar compatible with a critical analysis of the discourse produced by governmental delegates since CDA scholars align themselves openly with the dominated groups and aim at bringing a change of oppressive practices by revealing the on-going discourse (Jørgensen & Phillips 2002: 64).

## 1.3 Outline

The thesis will start with necessary limitations and the definitions of terms employed throughout the thesis. It will then briefly outline the context of refugees and asylum seekers living in South Africa, particularly regarding international and national regulations and treaties, and sketch current socio-economic rights and challenges. The next part of the thesis will present previous research within the respective field, specifically, public perception and construction of refugees and asylum seekers by the media. In the following, the theoretical framework applied,

Critical Discourse Analysis, will be introduced and the process of data collection will be described. The linguistic analysis of the construction of refugees and asylum seekers within parliamentary debates will then be attended to. The subsequent part will investigate how the delegates draw upon theories of human rights and citizenship in order to position themselves and manifest their view. In a last step of the Discourse Analysis, the thesis will explore dialectical relations between the discourse and social life and will illustrate how the produced discourse shapes social consequences for refugees and asylum seekers in Cape Town. This will be accomplished with the help of semi-structured interviews conducted with refugees and asylum seekers in Cape Town as well as previous scholarly research. The thesis will finally draw conclusions and briefly discuss necessary further research within the field.

## 1.4 Limitations

Limitations of the thesis are primarily constrained by space and time. In order to conduct a full critical discourse analysis, sufficient space would be needed in order to present socio-historical processes thoroughly and to become more acquainted with the broader context of on-going political discourses within South Africa. Even though I was present in the country for six months, the lengthy history, deeply marked by colonialism and apartheid with all its implications for present society, cannot be fully grasped after such a short stay.

My personal involvement with a refugee organization might be understood as a further limitation and challenge to the researcher's objectivity and neutrality. This ambiguity will be particularly noted when discussing considerations for employing a critical discourse analysis.

The thesis will not be able to discuss all social consequences and dialectical relations which arise out of the political discourse constructed and which may mutually influence the discourse. It will highlight three particularly striking examples within the field of socio-economic rights, namely the access to documentation, social grants and banking. Due to space constraints the thesis will

not address aspects of how to overcome the unequal power relations revealed in the discourse or how the subjects of the discourse, refugees and asylum seekers, oppose or attempt to overcome barriers in accessing their rights.

## 2 The context of refugees and asylum seekers in South Africa

The following section highlights various definitions of importance to the understanding of the thesis, and informs about the nature of South Africa's migrant population as well as the country's refugee legislation and social provision for refugees.

### 2.1 Definitions

A refugee is defined as someone who is persecuted or fears persecution because of particular characteristics of identity or membership in targeted social or political groups, and is unable or, because of fear, unwilling to seek protection within his or her country (Article 1 (2) of the 1951 UNHCR Refugee Convention). The 1969 Organization for African Unity (OAU) Convention additionally recognizes a person as refugee who has been forcibly displaced due to violence and internal upheaval in their place of residence; a more inclusive definition. Both definitions exclude so-called economic migrants, whose decision to leave their country is mainly based on economic factors. Nevertheless, migration literature widely discusses the concepts of mixed migration, acknowledging several push- and pull factors which motivate migration movements, and the exclusionary consequences of narrow refugee definitions (Black 2008: 454; Martin 2010: 39). Even though a person can be a refugee according to the convention, he or she may not claim the

rights assigned to this status unless officially recognized by the host country. Until then the person is considered an asylum seeker, usually endowed with only limited rights.

Coined as “illegal” immigrants in most public discourses, this category entails immigrants who did not comply with aspects of the immigration law such as the requirement of holding a valid permit when entering the country. Practitioners and scholars in the field of migration prefer the term “irregular movers” because the act committed is an administrative rather than a criminal one (Sabates-Wheeler & Feldman 2011: 7).

## 2.1 Numbers and statistics

The Republic of South Africa, the most southern country in Africa, is a constitutional democracy, divided into nine provinces with approximately 49 million inhabitants. Its population represents a great diversity in ethnicities and customs, evinced by 11 official languages. The majority of the population is constituted by black South Africans (80%), followed by the Coloured and White population (both circa 9%). Even though South Africa is considered a newly industrialized country, a high rate of unemployment prevails at a current rate of 25.2% (Department of Social Development 2010: 3). Various sources cite differing and contested numbers of the prevalent immigrant population in South Africa, ranging from several hundred thousand to exaggerated figures speaking of millions of migrants having entered South Africa (Handmaker, de la Hunt & Klaaren 2008: 2f.). The lack of a reliable methodology to confirm these numbers and the irregular entry of many immigrants however make statistics difficult to verify. According to the UNHCR, South Africa hosts approximately 57,000 recognized refugees and 219,000 asylum seekers, the largest single concentration of urban refugees and asylum seekers in Southern Africa (2012b).

## 2.2 Refugee framework in South Africa

South Africa's refugee legislation is characterized by a non-camp policy which allows both refugees and asylum seekers free movement within the country. Due to the requirement of regular permit renewal however, both groups are largely concentrated in the major urban areas of South Africa where five Refugee Reception Offices (RROs) were erected. On an international level, South Africa is bound by its ratification of the 1951 UN Convention and the OAU Convention, both relating to refugees rights. South Africa handles all refugees' rights and obligations under the *Refugees Act of 1998*, an internationally recognized progressive piece of legislation which came into effect in 2000, endowing refugees and asylum seekers with numerous socio-economic, civil and political rights. Its application is administered by the DHA.

After having filed an application for asylum, the applicant is entitled to an asylum seeker permit, and if officially recognized must be issued with a refugee document within 180 days of filing the application. In practice however, the high number of applications for asylum and limited departmental resources have resulted in a backlog of undecided applications of more than 300,000 (UNHCR 2012a: 108). This backlog has attracted many more migrants to apply for asylum even though they might not have genuine claims, relying on the fact that the decision taking might take several years (Crisp & Kiragu 2010: 16; Handmaker 2001: 94). A great majority of all refugees and asylum seekers stem from other African countries such as Zimbabwe, the Democratic Republic of Congo (DRC), Angola, Rwanda, Somalia or Malawi.

## 2.3 Refugees' and asylum seekers' socio-economic rights

The Convention entitles *everyone* residing in South Africa with numerous rights, such as the right to freedom of movement, the right to work, to education and to free basic healthcare. The right to social assistance has only recently been extended to recognized refugees, namely in April 2012.<sup>1</sup> Social Assistance is delivered by the South African Social Security Agency (SASSA) under the auspices of the DSD. Litigation by civil society has successfully challenged certain government regulations, resulting in the right for refugees to access six out of eight grants, and the acceptance of other documents besides the South African Identity Document (ID) when applying for a grant (Black Sash 2010: 8).

According to the Constitution, everyone is entitled with the right to access banking. However, challenges remain in the realization of these rights. The refugee umbrella organization Consortium for Refugees and Migrants in South Africa (CORMSA) successfully intervened when the Financial Intelligence Centre would not accept refugees and asylum seekers documentation as legitimate proof to open bank accounts. A second court judgment installed a condition that ordered the DHA to verify refugees' and asylum seekers' documents in order for accounts to be opened (CORMSA 2011: 17).

Institutional barriers or arbitrary applications of the Refugees Act have resulted in the need for refugee organizations to not only advocate but also monitor refugee rights in South Africa (Handmaker 2007: 54). Civil rights organizations had to regularly turn to courts in order to ensure that rights were adhered to or extended to the migrant communities.

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<sup>1</sup> The welfare system is rooted in the 1920s when elements of the European social protection schemes were introduced (Devereux 2012: 415).



## 3 Literature Review

The following literature review will briefly outline previous research of scholars from the field of migration in South Africa. The review will capture current discussions about the asylum process itself and on-going discourses and attitudes towards refugees and asylum seekers in the public and media.

### 3.1 The asylum process in South Africa

The mechanisms and implications of the functioning of the asylum system itself has been the focus of many advocates, practitioners and researchers who are active in the field of migration. Several scholars have identified various inefficiencies of the South African asylum system. Roni Amit<sup>2</sup> has highlighted severe flaws in the determination procedure, leaving asylum seekers vulnerable to human rights violations. She explains the failure of South Africa`s attempt to process huge amounts of asylum seekers applications via a paradigm of efficiency and migration control and how this conflicts with an approach focused on upholding its commitments to international treaties and national laws (Amit 2010: 458f). Crisp and Kiragu describe the asylum system as dysfunctional in a sense that it actually “is the only means whereby most foreign nationals can remain legally in the country, find employment and access public services“ (2010: 23).

Darshan Vigneswaren<sup>3</sup> further argues that DHA officials purposefully act outside of their legal mandate and actively prevent asylum seekers from accessing the system (2008: 43). The inclusiveness of the Refugees Act itself heavily relied on the active participation and lobbying of civil society and Non-governmental organizations (NGOs) which insisted that the Constitution`s rights be endowed to

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<sup>2</sup> Roni Amit is a Post-Doctoral researcher at the African Centre for Migration & Society (ACMS) at the University of Witwatersrand, South Africa.

<sup>3</sup> Darshan Vignesware is Co-ordinator of the Migrant Rights Monitoring Program at the Forced Migration Studies Program of the University of Witwatersrand, South Africa.

*everyone* instead of citizens only, specifically opposing the DHA`s position (Belvedere 2007: 59).

## 3.2 Attitudes towards foreign nationals in South Africa

The unfortunate circumstances for refugees and asylum seekers are not only confined to asylum system processes, but are mirrored by a general hostile environment towards foreign nationals in South Africa, demonstrated most strikingly by the outbreak of major violence in May 2008 which left several thousand foreigners displaced and more than 60 dead (IRIN News 2008).

Loren Landau<sup>4</sup> and Tamlyn Monson importantly observed that the perpetrators did not distinguish between legal and illegal status, underlining the fact that insider or outsider status in South Africa is merely determined by geographic and cultural attributes (2008: 322). Landau further argues that the violence towards foreigners is made possible by their social and institutional exclusion, fostering a lack of legal protection (2008a: 3). High barriers to social or political membership are facilitated by a “nationalist discourse evoked to legitimize and explain them” (ibid: 8).

Most recent findings of the Afrobarometer<sup>5</sup> of 2011 suggest that 44% of its 2,500 respondents, a representative sample, hold the view that people who are politically persecuted do not deserve protection in South Africa, compared to 38% affirming protection. 45% of the survey`s participants also agree with the statement that foreigners in general should not be allowed to live in the country because they take away jobs and benefits from South African citizens (Mataure 2013: 3). However, 50% agree with the statement that a foreigner who has lived and

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<sup>4</sup> Loren Landau is the Director of the ACMS Programme at Witwatersrand University, South Africa.

<sup>5</sup> Afrobarometer is an independent research project in cooperation with the Institute for Democracy in South Africa.

worked in South Africa for many years should attain citizenship, while 46% oppose this statement. The representative sample of the survey suggests that these opinions are spread among all classes, races and age groups.

### 3.3 Construction of refugees and asylum seekers in public and media

The most encompassing research on construction of refugees and asylum seekers in public media was undertaken by Danso and McDonald who analyzed South Africa's English print media coverage over a period of four consecutive years. Findings suggest that cross-border migration is generally portrayed in an anti-immigrant and un-analytical way (2001: 115). Their analysis cautions that the majority of the analyzed articles entrench widely believed stereotypes in the news, portraying immigrants as criminal, illegal and in addition as creating unfair competition on the labor market (ibid: 124). The study further concluded a great confusion about the different legal status of migrants and the interchangeable use of various terms such as refugee, permanent resident or work permit holders. Whilst the immigrants' illegality was the most common negative association, cumulative effects heightened the negative references made to foreigners, with more than half of all samples containing at least one negative reference (ibid: 129f).

## 4 Theoretical Framework

The following chapter will present the theoretical framework utilized to analyze the parliamentary data. The first sections will sketch the theoretical premises of Discourse Analysis, particularly of Critical Discourse Analysis (CDA). In the subsequent sections, specific aspects of the critical approach, such as concepts of

power and considerations when employing a CDA, will be introduced in more detail. The chapter will end with a more detailed outline of how Fairclough's approach will be pursued in the course of the thesis.

## 4.1 Introduction to Critical Discourse Analysis

Discourse Analysis is interested in the use of language in various contexts, deriving from the assumption that language is constitutive in producing the social world (Rapley 2007: 2). Language renders access to a social reality, and language itself constructs realities and creates discourses that give meaning to physical objects (Jørgensen & Phillips 2002: 8f). CDA represents one distinct strand within the field of Discourse Analysis and seeks to reflect on existing relations of domination within a society, aiming to alter them. It is mainly associated with its main authors Norman Fairclough, Teun van Dijk, and Ruth Wodak and encompasses several distinguished concepts.

As most approaches of Discourse Analysis, CDA is grounded in the tradition of social constructionism, questioning widely accepted identities, structures, and understandings. An understanding of an external or static social reality is rejected in the constructionist field, because reality is always dependent on how we make sense of it and thus subject to modifications and changes at all times. Our understandings and productions are composed and sustained by social processes. However, these fluctuating understandings lead to actions and hence to social consequences. As such, discourse understood as a part of a social practice is in "a dialectical relationship with other social dimensions. It does not just contribute to the shaping and reshaping of social structures but also reflects them" (Jørgensen & Phillips 2002: 61). Social life is thus mediated by discourses that are constructed by powerful agents and circulated by institutions or mass media (Fairclough 2000: 165).

Consequently, critical analysts do not seek to understand the real meaning *behind* communicative events but aim to identify patterns and representations of reality

which shape social consequences through linguistic textual analysis (Jørgensen & Phillips 2002: 21). The data which will be used to identify these representations of reality are statements by members of two departments which are responsible for the application of the Refugees Act. By scrutinizing their understandings and how they construct social truths around aspects of asylum and refugee rights, it will be possible to distinguish social consequences which arise out of their constructed social realities and identities.

CDA aims to contribute to a more equal power relation by addressing social wrongs and seeking ways to overcome these (Fairclough 2009: 167). Its representatives openly take a political stand on the side of the socially discriminated groups in form of an advocatory role (Jørgensen & Phillips 2002: 64). Therefore, the thesis not only seeks to reveal oppressive power relations but it also aims to contribute to the continuous struggle of groups who actively advocate on behalf and together with the oppressed groups for the acknowledgement and extension of their rights.

## 4.2 Concepts of power in CDA

Within CDA, language is understood as a “medium of domination” which is employed by more powerful actors in order to legitimize relations of control and increase or maintain their power (Habermas in Wodak & Meyer 2009: 10). A particular focus on the construction of power relations and how these are fostered, maintained or justified will therefore guide the analysis of the parliamentary debates. CDA is rooted in Foucault’s ideas of power and dominance (Jørgensen & Phillips 2002: 5). Foucault sought to understand why certain statements in different historical epochs would be deemed truthful, and investigated these “regimes of truth” (ibid: 13). CDA, likewise, conceives power as productive in that it serves to act as a force instead of individuals exerting power over others.

However, Fairclough's approach diverges from Foucault's understanding insofar as it acknowledges that discourses not only shape but also contribute and foster unequal power relations among social groups (ibid: 63). Fairclough identifies power *behind* language, namely how groups can determine the use of language, as well as power *in* language, constituting various constraints in terms of who participates in producing the discourse, what is the content of the discourse, how do subjects position themselves within it, and which relationships do they create among each other (Wooffitt 2005: 140f). While the aspect of power *behind* language will be picked up in the linguistic analysis of the discourse, the aspect of power *in* language will be addressed when elaborating on the context of the Portfolio Committee meetings.

### 4.3 Considerations when employing CDA

It is impossible for the researcher to be disengaged from the subject of study. The researcher inevitably is part of a social world, guided by own convictions and motivations, which requires a continuous critical reflection on this intrinsic problem (Fairclough *et al.* 2004: 1). A challenge also remains in so far as not to let academic writing and the researcher's advocatory role become indistinct, considering the clear positioning of the researcher against oppressive structures and power relations (Wodak & Meyer 2009: 19).

Furthermore, validity and reliability, two key concepts for research in the positivist tradition, are assigned divergent meanings and understandings since an objective truth and knowledge is rejected within the constructivist field (Gee 2011: 122). The criteria for valid research within the context of CDA could thus be defined as coherence and fruitfulness: Scholars clearly communicate to their audience in how far their analysis generates plausible and credible claims, and how these claims derived from the chosen data (Rapley 2007: 129). This credibility can be achieved by disclosing the theoretical and practical assumptions that led to the collection of the particular material, by presenting textual evidence

of claims, or by comparing results with previous work, for example (Jørgensen & Phillips 2002: 172). In the course of my thesis, transparency in the collection and accessibility of data will be discussed in the section of data collection, while textual evidence will be presented within the actual linguistic analysis. The conclusion will then draw comparisons to previous work presented above and discuss the implications and consequences of the discourse.

## 4.4 Outline of Fairclough`s CDA

Both theory and method are intertwined in the field of CDA, because the methods are based on specific philosophical assumptions about the construction and production of knowledge and truth (Phillips & Hardy 2002: 59f). Theoretical considerations must pervade each step of research, and aspects of Fairclough`s approach considered in this thesis are thus briefly outlined below.

According to Fairclough, language is not only represented via various forms of texts, oral or written, but is one out of four elements capable of transforming social practices.<sup>6</sup> Other elements are physical, sociological, and cultural/psychological ones (Fairclough 2000: 168). All of these elements are dialectical in so far as they cannot be fully separated from each other. A social practice comprehends three distinct aspects, namely the production of social life, the construction of social identities and the representation of the social world (ibid: 167f.).

The thesis will firstly critically investigate how texts, such as the portfolio committee meetings, contribute to the construction of social identities of refugees and asylum seekers, in Fairclough`s terms the *style*, and how the statements by

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<sup>6</sup> Fairclough prefers the term *semiosis* instead of texts or “discourses” in order not to confuse it with the term discourse understood as the language attached to a specific social field, such as the field of refugees and asylum seekers in South Africa (Fairclough 2009: 163).

delegates of the DHA and DSD shape the representation of the social world, the so-called *discourse* (ibid: 170). The major emphasis of the upcoming critical analysis is on the communicative event and how the delegates' linguistic practices transform social practices and serve to promote or maintain unequal power relations by dominant social groups.

Secondly, the analysis will pick up Fairclough's call for a multi-perspectival research framework. The analysis will incorporate theories outside of the linguistic domain in order to investigate specific elements of the discourse (Jørgensen & Phillips 2002: 86). The transdisciplinary analysis will illustrate how the concepts of citizenship and human rights emerge in the parliamentary discussions and how delegates draw upon them in order to position themselves.

Texts enter dialectical relations with social practices, which might contribute, reproduce, alter or ultimately dismantle a social practice (Wodak & Reisigl 2003: 385). The last step of the CDA will therefore highlight social consequences of the produced discourse for refugees and asylum seekers, especially in the field of rights realization. It will moreover aim to reveal how the delegates' linguistic practices and theories of citizenship and human rights shape the departments' interactions with refugees and asylum seekers in South Africa.

## 5 Data Collection

This chapter will firstly sketch the approach of combining different kinds of data and its benefits. It will then describe the method of semi-structured interviews with refugees and asylum seekers, including the transcription process and ethical considerations. Following these, the chapter will elaborate on the use of audio



recordings of portfolio committee meetings at the South African parliament and describe their context.

## 5.1 Approach of data collection

The CDA applied makes use of two different kinds of data –one draws on researcher-instigated data in the form of interviews with refugees and asylum seekers, and the other set of data consists of already existing recordings of portfolio committee meetings with delegates from the DHA and DSD. Wodak and Reisigl propose a triangulation approach by means of employing different methods, a variety of empirical data and by complementing the analysis with useful background information in order to minimize the risk of bias (2009: 89). Furthermore, the approach of combining two sets of data was seen as most appropriate as the research question contains two different aspects – the political construction of refugees and asylum seekers and the manifestations thereof in the domain of socio-economic rights. Data was therefore required from different levels. The data of the parliamentary sessions will be used to find out how refugees and asylum seekers are politically constructed in South Africa by representatives of the two departments, focusing on the linguistic features of the discourse, whereas the interviews will shed light on social consequences, particularly the realization of socio-economic rights, and the departments' interactions with refugees and asylum seekers. The analysis of the discourse's manifestation in social life will be complemented by previous scholarly research. Data from the political and social fields, namely concepts of citizenship and human rights, are drawn upon and integrated into the analysis.

This combination of methods will allow for a more informed and knowledgeable discussion of the aspects raised and will contribute to a nuanced and enriched analysis of the three levels of CDA as proposed by Fairclough. The feasibility of a combined approach however is limited by space constraints which prevent a

detailed analysis of all collected data, specifically the interviews conducted with refugees and asylum seekers.

## 5.2 Semi-structured Interviews

Even though interviews are researcher-instigated and thus are steered by the researcher towards a certain direction, the use of interviews within discourse analysis is helpful because the interviewees' talk is clearly shaped and relates to the on-going discourse they themselves are part of, and likewise helps to understand the social context of the discourse (Phillips & Hardy 2002:72). Therefore, the interviews will not serve as basis for the linguistic part of my discourse analysis but will be utilized in order to gain a direct insight into the constructed subject's experience of the discourse, and its manifestations and social consequences in processes they regularly experience and are dependent upon.

In my practical work with refugees and asylum seekers for six months in 2012 I gained useful experiences prior to taking any interviews. In my daily routines I was able to observe but also actively take part in negotiations of permit extensions or rectifications at the Cape Town RRO itself, as well as the application for refugee IDs and their follow up with officials. This enabled me to obtain a clearer perspective on the institutional barriers to rights realization and practices within the field, and equipped me with knowledge of routines at the DHA or SASSA offices. Furthermore, two semi-structured interviews with experienced practitioners in the refugee field additionally helped to refine and render the scope of my research more precisely (Rapley 2007: 44).

In choosing interviewees, May points towards *accessibility*, *cognition* and *motivation* of the interviewees (2011: 141f). I conducted interviews with seven interviewees according to these criteria (see list in the appendix), as they were

accessible in terms of approaching a refugee organization, and as a refugee or asylum seeker, part of the discourse. I specifically chose them because of the main reason for seeking assistance, namely assistance with ID applications, banking access or social grants access. Furthermore, they were motivated to participate in the research as they were directly affected by the discourse. The interviewees had a diverse background, some were self-employed, others students or currently unemployed. They were in the age group between 25-42 and originating from different countries such as Burundi, the DRC, Kenya and Congo-Brazzaville. Three were recognized refugees (two female, one male) and four were asylum seekers (all male), and all had lived in South Africa for a minimum of four years. The use of semi-structured interviews enabled me to seek clarification and elaboration from the interviewees and to ask new questions on particular aspects as they arose (May 2011: 134). This was especially important because English was usually neither the mother language of the interviewees nor me as researcher, and questions and answers often required further explanation when not understood.

Interview data, as any account of talk, calls for a careful analysis keeping in mind that “talk is always occasioned and produced in a context, in interaction with others” (Firth & Kitzinger in Rapley 2007: 107), and participants’ affinity to orient towards the researcher or others involved in the conversation. The context in which the talk was produced must therefore be noted. The interviews were profoundly influenced by the setting, the organization itself, and by me as researcher as I was working for the organization. However, in an attempt to minimize bias in the production of data, the great majority of the interviewees had not had any interaction with me prior to conducting the interview and was thus not familiar with me. May suggests a certain detachedness for the sake of reliability of data but also encourages engagement with the interviewees to minimize their exploitation (2011: 140). Interviewees could assume that I would probably be biased as I was engaged in the advocacy work for refugees and asylum seekers. However, this is not a problem in itself as CDA encourages openly taking the side of the dominated group (Jørgensen & Phillips 2002: 64). Nevertheless, it must be

considered when analyzing the data and I therefore chose to concentrate on the parts of the data which related to interviewees' concrete experiences with the routines of the DHA or DSD.

The interviews were recorded by me with permission of the interviewees, and then transcribed. Transcriptions generally illustrate specific interpretations by the researcher, because they are always partial and selective representations of text. The degree of detail in a transcript is dependent on the researcher's goal of analysis and guided by the research question. However it must be detailed enough to give textual evidence and support the conclusions the researcher has drawn from the specific excerpts (Rapley 2007: 86). The interviews were therefore fully transcribed with a heavy focus on the content, with an eye to analyzing concrete experiences and practices. They were not analyzed concerning their linguistic details. After their transcription, categories and subcategories were formed according to the interest of research, namely practices in the domains of banking, social grants and access to documentation.

### 5.3 Ethical considerations

While conducting interviews it is crucial for the researcher to be self-reflective on the values and social or cultural background brought to the field, as well as one's own position to the research topic and how this determines who is asked to participate in the research (Sumner & Tribe 2008: 43). A great challenge was conducting the interviews without keeping certain prejudices or own negative experiences with the concerned departments in mind. Because of my role as an intern in the organization and my familiarity with the topic, I realized that I was not always able to remain neutral. For example, I often felt compelled to offer useful advice or information for the interviewee during the interview. Furthermore, the identity ascribed to the researcher by others plays a crucial role. The participants, as clients of the organization I was working for, probably perceived me as a female, white and young researcher, who is possibly

sympathizing with the needs and challenges of the refugee and asylum seeker community. Conversely, being a foreigner in South Africa might have positively impacted the interactions as the interviewees might have felt more comfortable in speaking openly about governmental officials.

In pursuit of an honest, context-sensitive and transparent research I began each interview by communicating the aim and intended outcome to the interviewees, as well as the intended use of the interviews. Furthermore, a written consent was signed. Honesty within the research process also requires an awareness that broader generalization of the research results must be made in a very careful and historically specific way. Mohanty warns about misrepresentation of groups whilst disregarding the socio-historical differences, locations or ethnic identities (2003: 20). Interviews with the refugees and asylum seekers will therefore be complemented with scholarly research on practices within the field in order to minimize the risks of misrepresentation or generalization, and results of the interviews will primarily portray conditions and social interactions in Cape Town.

## 5.4 Portfolio Committee meetings

I specifically chose to analyze parliamentary debates as they highlight an under-researched aspect of the discourse around refugees and asylum seekers, whereas the discourse within the media and public have been previously researched and will serve to compare findings with in a final conclusion. A parliamentary debate is in so far distinct from public statements as discussions arise out of questions posed by parliament members, and replies are therefore not well thought through opposed to addressing the public. The intimate character of presenting for a small group of parliament members contributes to this. Delegates of the DHA and DSD report to parliament members about on-going projects and processes within their departments, they are accountable to parliament and do not speak in order to gain public affection or support. Moreover, the discussions shed light on contemporary issues in the political spheres of a country, revealing directions of future government policies (Rapley 2007: 13).

I was physically present at one parliamentary debate on the DHA's role in granting refugees social benefits, so the process and formalities of a committee meeting were familiar to me. This helped tremendously in understanding the protocols of the parliamentary debates and for the process of transcribing the data. The parliamentary debates are always recorded and its minutes taken by the independent Parliamentary Monitor Group (PMG). Both minutes and audio files are then made available to the public on the PMG's website. I therefore accessed PMG minutes and recordings of parliamentary debates of one full parliamentary year (February 2012 to February 2013). I focused exclusively on Portfolio Groups of the DHA, the DSD and Social Services, as the thesis focuses on rights realization within social domains.

All minutes were searched for the terms "migration", "migrant", "refugee" and "asylum" and a total of nineteen relevant minutes (see appendix for full list) displaying one or more of the terms were then chosen for partial transcription following Poland's instructions (Rapley 2007: 54). A full transcription was beyond scope of the thesis because many debates only partially touched the topic of migration. A parliamentary debate usually consists of a presentation by the invited department, in this case the DHA or DSD, and is followed by a discussion where parliamentary members ask specific questions. These are collected by the chairperson and then answered by the respective delegate. In many cases, questions about refugees and asylum seekers only surfaced because of questions brought up by parliamentary members. However, only statements by DHA or DSD member were transcribed because the research question centers on the construction of refugees and asylum seekers by these two departments that are in daily contact with refugees and asylum seekers and responsible for the actual realization of their rights.

Following Rapley's suggestion for transcription I repeatedly listened to the audio recordings, transcribing excerpts that stood out because of their relevance portraying a piece of the either typical or atypical discourse. Over time these transcripts were checked and refined with on-going analysis and transcribed to a

level of detail which seemed appropriate to the goal of analysis (ibid: 128). The data of the parliamentary sessions will serve as basis for the analysis of the linguistic practices of the discourse, and will illustrate how delegates draw on concepts of human rights and citizenship.

## 5.5 Context of the Portfolio Committee Meetings

Even though data of parliamentary debates would be considered as natural occurring text in contrast to the instigated interviews with refugees and asylum seekers, data is always influenced by the context in which it is produced (Rapley 2007: 20). Before beginning the textual analysis, the broader context or language-external elements of the parliamentary meetings must be taken into consideration, since its features reveal specific characteristics of power and authority.

The parliamentary members present at portfolio committee meetings represent various political parties such as the ruling party ANC (African National Congress), or opposition parties like the DA (Democratic Alliance) or Cope (Congress of the People). The portfolio committee groups generally consist of a group of 16-19 parliament members, and the ratio of women to men is balanced within the three committee groups of DHA, DSD and Social Services. Parliament members and presenting delegates come from various backgrounds or ethnicities, with a high majority in the age group between 40-60 years.

DHA or DSD delegates are summoned by parliament in order to give reports on progress and activities. Consequently, not everyone has access to these meetings, and whilst the public is generally allowed to be present during the presentation, they are not able to participate at the discussions. The setting of the meetings, situated within the House of Parliament, represents the power of the government. Entrances are guarded, IDs must be produced and security screenings are performed before entering the building. The genre of the chosen material,

parliamentary meetings with specific departments, reflect discussions of high importance and exclusivity, as only few selected members are allowed to contribute. Additionally, the discourse produced possibly has a strong impact on the public because of the present groups' great access to and control over the media and consequently over the public discourse (van Dijk 2003: 355).

Van Dijk outlines that types of power can be differentiated by the resources they might be based upon, such as force, wealth, knowledge, information, or authority, but points out that power is not always absolute (van Dijk 2003: 355). The types of power inherent in the context of the committee meetings are clearly defined by authority, access and knowledge/information. Delegates have access to the meetings based on their position as governmental officials, they possess the required and detailed knowledge of processes within their department and have the authority to steer and contribute to the debates. Even though power is not always absolute, it can transform into "hegemony", a term coined by Gramsci (1971), in cases where dominance in power is able to translate into laws, habits or a general consensus (ibid). The parliamentary debates highly influence opinions of members of parliament who then possess the power to translate these into modifications of law by amending or initiating bills. It is therefore of direct importance to the refugee and asylum seeker community which discourses are produced within the meetings, as these might not only guide the public discourses but simultaneously result in actual legal changes.

## 6 Linguistic Practices

The following textual analysis of the parliamentary debates will first introduce the methodology employed in order to analyze statements by representatives of the DSD and DHA. It then presents exemplary references and highlights how they



serve to produce power and dominance and construct social identities within the discourse.

## 6.1 Methodology of the linguistic analysis

Actors in discourses employ various strategies in order to achieve particular objectives within the present structures or by restructuring them (Fairclough 2009: 165). Wodak and Reisigl have specifically focused on ethnic or racial inequality and its linguistic reproduction within discourses in a so-called “discourse-historical approach”, based on the socio-philosophical premises of CDA. They pursue a multi-theoretical and multi-methodical approach in a similar way as Fairclough does (Wodak & Reisigl 2009: 95). Their detailed analysis of discursive production of national identity in the 1986 presidential campaign in Austria will serve as basis for my linguistic analysis of the construction of social identities of refugees and asylum seekers and the representation of the social world by delegates of the DHA and DSD. Wodak and Reisigl identified five macro strategies with distinct objectives and devices used by social actors to establish a discourse of positive self-representation and negative representation of the other, see the following table:

TABLE 4.1 *Discursive strategies*

Strategy	Objectives	Devices
Referential/nomination	Construction of in-groups and out-groups	<ul style="list-style-type: none"> <li>• membership categorization</li> <li>• biological, naturalizing and depersonalizing metaphors and metonymies</li> <li>• synecdoches (pars pro toto, totum pro pars)</li> </ul>
Predication	Labelling social actors more or less positively or negatively, deprecatorily or appreciatively	<ul style="list-style-type: none"> <li>• stereotypical, evaluative attributions of negative or positive traits</li> <li>• implicit and explicit predicates</li> </ul>
Argumentation	Justification of positive or negative attributions	<ul style="list-style-type: none"> <li>• topoi used to justify political inclusion or exclusion, discrimination or preferential treatment</li> </ul>
Perspectivation, framing or discourse representation	Expressing involvement Positioning speaker's point of view	<ul style="list-style-type: none"> <li>• reporting, description, narration or quotation of (discriminatory) events and utterances</li> </ul>
Intensification, mitigation	Modifying the epistemic status of a proposition	<ul style="list-style-type: none"> <li>• intensifying or mitigating the illocutionary force of (discriminatory) utterances</li> </ul>

(Wodak 2001: 73)

The five strategies identified entail a more or less intentional practice employed to achieve a certain goal, thus a systematic usage of language, or in Fairclough's terms the power *behind* language.

The first *referential* or *nomination* strategy looks at how in- and out-groups are constructed and national identities formed by way of membership categorization, allocating names or the use of biological and depersonalizing metaphors.

The second strategy of *predication* investigates the labeling of social groups or individuals in a more or less negative or positive way, by either implicit or explicit use of stereotypical attributes. These strategies aim to reproduce or transform social identities. Many referential strategies simultaneously involve predicative strategies and thus both strategies intersect.

The third strategy of *argumentation* scrutinizes argumentation schemes. The strategy explores how ascribed positive or negative attributes are justified by using so-called "topoi". Topoi are rhetorical conventions or motives employed in order to support the argument and connect it with the claim in a way to justify the development from an argument to the conclusion (Kienpointner in Wodak & Reisigl 2009: 110). Wodak presents a list of useful topoi that can be used in order to analyze argumentation lines, see the table below. They will form one of the analytic tools for the upcoming analysis of the parliamentary debates and will be described in more detail below.

TABLE 4.2 *List of topoi*

1	Usefulness, advantage	9	Finances
2	Uselessness, disadvantage	10	Reality
3	Definition, name-interpretation	11	Numbers
4	Danger and threat	12	Law and right
5	Humanitarianism	13	History
6	Justice	14	Culture
7	Responsibility	15	Abuse
8	Burdening, weighting		

(Wodak 2001: 74)

(1) *Usefulness or advantage*: any action which seems to be useful for all, or the constructed “us”, should be performed; (2) *Uselessness or disadvantage*: regulations have to be rejected if the prognosticated consequences do not occur or could be realized by other political actions; (3) *Definition/ name interpretation*: an action or group of people is assigned with a name or designation whose meaning or quality is inherent or to be carried out by the action or group of people; (4) *Danger and threat*: political actions or decisions that might entail danger must not be performed, or if there are dangers and threats, political actions should be taken against them; (5) *Humanitarianism*: a political action should be aligned and coherent with human rights or humanitarian values; (6) *Justice*: persons who are equal in specific respects are to be treated equally and receive equal rights; (7) *Responsibility*: the government or the group of people which is responsible for the appearance of a problem should take action to solve the problem; (8) *Burdening/weighting*: if a nation or group of people is burdened by a specific problem, political actions should be taken to reduce the burden; (9) *Finances*: if a certain situation requires too high financial costs, actions should be taken to diminish the costs or loss of profit; (10) *Reality*: because reality constitutes in a certain way, e.g. social or economic realities have changed, a specific action should be taken or decision performed; (11) *Numbers*: if numbers can prove another mentioned topos or conclusion rule, the specific action should be performed; (12) *Law and right*: if a law permits/forbids a specific political action, the action must be performed/omitted; (13) *History*: if an action/decision taken in history shows a specific consequence, political actions should be taken to perform or omit the action/decision, according to the historical outcome; (14) *Culture*: because of the culture of a specific group of people, problems attributed to the culture arise in respective situations; (15) *Abuse*: “if a right or an offer for help is abused, the right should be changed, or the help should be withdrawn, or measures against the abuse should be taken” (Wodak 2001: 77).

*Perspectivation*, the fourth strategy, seeks to understand the positioning of the speaker and his or her point of view in employing descriptions or quotations of discriminatory events. The last strategy of *intensification* concentrates on the

modification of the statement by reinforcing its force (Wodak & Reisigl 2003: 386).

## 6.2 Textual analysis of parliamentary debates

In the following, linguistic features of the parliamentary meetings are scrutinized, based on Wodak and Reisigl's concept, to identify elements which produce or uphold unequal power relations and influence social practices. A focus on linguistic characteristics reveals how discourses "are activated textually and arrive at, and provide backing for, a particular interpretation" (Jørgensen & Phillips 2002: 83). The discourse analysis will merely focus on the details which are deemed relevant to the research question and the possible scope of the thesis. The interactional control of the debates will not be scrutinized because statements by members of the DHA and DSD are the focal point of the analysis. As many textual passages give evidence of more than one strategy, they will be highlighted within the section which they most exemplify.

### 6.2.1 *Referential or nomination strategies*

Within the parliamentary debates, members of the DHA and DSD primarily created in- and out-groups by the use of positively formulated pronouns such as "us", "we" and "our" in contrast to negatively formulated ones like "those refugees", "these people", "these persons" or the use of the definite article in "the asylum seeker" or "the refugee", establishing a distance between South African citizens and foreign nationals as two separated, yet homogeneous groups. Wodak highlights the discursive notions of "us" and "them" as the most crucial fundamentals of difference within the discourse of identity formation (2001: 73). The delegates likewise draw on these notions fundamentally.

Most of the textual references exemplifying this strategy simultaneously use a range of other strategies and will therefore be presented later on. However, the following reference gives a first insight as to how the out-groups are constructed: “If in your ward you’ve got ten refugees, those refugees are entitled to the RDP house, those refugees are entitled to free electricity and water, those refugees are entitled to send their children to free school fees, whatever” (11.09.12). Within this textual reference, Ms. Kgasi, Chief Director of Asylum Seekers Management at the DHA, sheds light on all the benefits that “those refugees” enjoy within South Africa. She clearly establishes a distance towards refugees by the negatively formulated “those”, intensifying the effect with the repetitive structure of the phrase. Moreover, passive constructions of “are entitled to” further emphasize the costs of hosting refugees within South Africa, whereas the reasons that refugees are entitled to these benefits, namely legal instruments such as conventions or the Constitution itself, are not acknowledged.

The use of distinguishing definite articles is supported by the following textual reference of Mr. Earl, Acting Executive Manager of SASSA: “the asylum seekers in South Africa, they are given a piece of paper to confirm their status in South Africa as asylum seekers, it’s a normal paper. The refugees are given a refugee card which is got to begin and end and which is valid for two years. So those are the two official documents that the South African government would give to those two class of people” (30.10.12). Mr. Earl addresses refugees and asylum seekers with the definite article, to define a particular and, beyond that, passive group of people, illustrated by the use of the passive construction of “they are given” permits. The passive construction of both sentences further absolves the agent, namely the South African government who is in charge of regulating the length of stay of refugees and asylum seekers, of any responsibility while highlighting the cost to South Africa, in this case the provision of social grants. Mr. Earl further creates a distinction between asylum seekers and refugees by titling the asylum seekers’ permit as a normal “piece of paper”, and then emphasizing a so-called refugee “card”. This refugee card could either be their permit, also a mere piece of

paper like the asylum seekers' permit, or the refugee ID, a distinction not explicitly specified by Mr. Earl.

Several times, refugees or asylum seekers are referred to as numbers, not alluding to any human characteristics, for example in the following statement: "Out of these numbers we then needed to determine WHO REALLY NEEDS protection so that they can then become refugees" (11.09.12). Ms. Kgasi in this example not only speaks of mere numbers, dehumanizing asylum seekers in general, but with the intentional use of intonation she further indicates her skepticism of the majority of asylum seekers' need for protection. She rather emphasizes "we" equaling the DHA and its power of determining refugee status by transforming asylum seekers' identities as they "become refugees" via the DHA's determination procedures.

Most delegates construct a hierarchy, placing deserving refugees above asylum seekers. Asylum seekers are either depicted as abusing the refugee system or as genuine asylum seekers in need of protection when compared to the even more undeserving migrants who enter South Africa for economic reasons. Ms. Kgasi and Mr. Apleni, General Director of the DHA, point to the differences between refugees, genuine asylum seekers and economic migrants present in South Africa: "now you can see that these are not refugees (..) these are people that are here for economic (overlapping: economic) reasons" (11.09.12, Kgasi). Whereas Ms. Kgasi differentiates between refugees and all other present migrants, including asylum seekers, Mr. Apleni distinguishes between asylum seekers and those who have applied for asylum but do not fulfill the criteria of a refugee: "we need to come out with a policy which is clearly differentiating between ah genuine asylum seekers and those economic migrants" (14.08.12).

A reference to one of Ms. Kgasi's statements summarizes the various points made above while highlighting the process of status determination by the DHA: "My last point is, if this is the situation, if out of the forty something or four one people

that came to the country asking for asylum and we actually adjudicated within six months we only released 1.241 as people that have got refugee status, it means those people in your COMMUNITIES are not refugees. They are just there (..) as undocumented people” (11.09.12). Ms. Kgasi repeatedly establishes a distance between “those people”, yet again emphasizing their great number, and “your COMMUNITIES”, alluding to a particular social group of South African members who share a common cultural heritage. She then assumes a well-functioning asylum system managed by the DHA, which adjudicates requests for asylum and whose high rejection rate of asylum seekers is itself proof of the high amount of abuse of the system. IRIN News only recently reported that South Africa only recognized 15.5% of all applications for asylum in 2011, compared to a global average recognition rate of 38% calculated by the UNHCR (IRIN News 2013). Recognized refugees have been “released” by the DHA, a verb connoted with liberating or freeing from something. Ms. Kgasi clearly reasons that people who are not recognized refugees must be undocumented, and ignores the possibility that they might be genuine asylum seekers awaiting their final DHA decision for numerous years due to the current backlog (UNHCR 2012: 108).

Most of the metaphors referring to immigrants and foreigners employed within the debates compare them with currents, flooding South Africa and which have to be “dammed”, for example the following two statements: “and once they’ve ah reached this shores, they then ask for family joining” (11.09.12, Kgasi) / “Of all that came to our shore seeking asylum, that we had to determine whether they really need this protection or not” (11.09.12, Kgasi). Other delegates such as the Director General of the DSD similarly make use of images comparing foreigners to natural disasters like floods or “waves” of immigrants: “that the only way in which we can stem the tide of people only moving to South Africa is by assisting countries in the SADC and beyond (.) ah to establish similar programs that we have” (06.03.12, Mr. Madonsela).

### 6.2.2 *Predication Strategies*

In the course of the committee meetings, refugees and asylum seekers are most oftentimes allocated negative attributes, picking up on strengthening the discourse in the media or public that most asylum seekers abuse the refugee system, deliberately choosing to come to South Africa in order to work and thus exacerbating South Africa's high rate of unemployment. Furthermore, delegates characterize asylum seekers as especially dishonest and manipulating and use these predicating strategies in order to justify their own policies such as the recent closure of a Refugee Reception Centre in Cape Town.

Several times, DHA delegates questioned the integrity of refugees and asylum seekers, depicting them as ruthless and manipulating. This mentality is exemplified in the following reference: "Because in the townships where they are, they go to an an old woman or a a family that has an [important?] house, and they say (mimicking voice) 'mama, we are going to build you a a garage' and mama is very happy, they say we are going to build a garage and we are going to pay 2000, and we are going there to run a SPAZA shop from there" (11.09.12). The reference by Ms. Kgasi aims to illustrate that refugees and asylum seekers exploit South African citizens, here using the image of a helpless "old woman" or a family, in order to set up businesses that will compete with South African shops. This reference especially picks up the public discourse on so-called SPAZA shops, small foreign run grocery shops which are regularly vandalized or looted. Furthermore, Ms. Kgasi generalizes that all refugees and asylum seekers live "in the townships where they are", because they would not be able to afford living in the urban centers.

Ms. Kgasi further perpetuates the difference between citizens and foreigners in the following comment:

Now because we do not follow an encampment policy, there isn't any camp where we take them to, once they are registered they go into our communities. And now they have been exposed to better



ways of using what they have to make more money, better than South Africans. [Really?] South Africans come from a xxx where we go and get somebody to employ you, seek employment, seek employment, seek employment. This persons, they are coming from areas where they can, can make MONEY out of [BAGS?], out of everything [laughter] (11.09.12)

Her reference first indicates on one side the hypothetical power of the DHA to “take them” wherever the regulations allow for, but also a clear distinction from all asylum seekers, only referred to as “they” and “them”, coming into “our communities”, a subliminal hint of a possible threat by asylum seekers to South African communities. She further depicts South Africans as active citizens, eagerly making efforts in seeking employment, whereas foreigners have not themselves worked for their success, but merely “have been exposed” to these qualities in a passive way. The passive constructions reduce the refugees’ agency and underline the negative effects of their activities. Ms. Kgasi further intensifies her statement by using an example of “bags” or a vague “out of everything”, succeeded by the agreeing laughter of other parliamentary members. Moreover, she utilizes the topos of culture, referring to the specific culture of all foreigners succeeding in business and how this creates unfair competition for citizens.

DHA delegates also question the refugees’ and asylum seekers’ right of free movement and thereby imply and strengthen the argument that they intend to come to South Africa to work and not to seek protection: “So when they go to Musina they don’t want to do anything there, they want to go to Cape Town, they want to go to Jo’burg” (22.05.12, Mr. Apleni). Musina is a border post town close to Zimbabwe, where many refugees and asylum seekers enter the country. It is associated with few employment opportunities, whereas Johannesburg and Cape Town represent economic hubs of the country. Furthermore, in an attempt to explain a previous move of the DHA to close the Cape Town RRO to new asylum applicants, the mobility of refugees and asylum seekers within South Africa is illustrated by Mr. Simons, Provincial Manager of the DHA in the Western Cape. He states: “So it’s more convenient to apply at, at Musina or at Marabastad, than

travelling ALL the way back at cost, and also there is abuse, Chairperson, as you travel down north, you know abuse by, I don't know, all sorts of, as you find a way to Cape Town. So we felt that the Cape Town center is not correctly positioned ahm in terms of that" (01.08.12). Asylum seekers are referred to as people who abuse in general. While no concrete examples are mentioned, vague assumptions are made with such statements as "I don't know, all sorts of", serving to justify the RRO closure. Mr. Simons simultaneously highlights the seemingly lower efforts for asylum seekers to apply for asylum close to the border. However, he does not mention that asylum seekers need to extend their permits at least every six months, a regulation which requires refugees and asylum seekers to return to the RRO where they initially applied. He addresses the Chairperson in a way which seeks her approval or understanding, and lowers his affinity to the statement by using a non-committing "we felt" as explanation for the move.

Mr. Mkhize, Deputy Director General of Civic Services further points out that citizens could be victims of the refugees' and asylum seekers' moving within the country, and questions their legality: "most people in this country, for them to enter and travel to inland area, they enter through the border, those are a foreign national. So for us to avoid you being a victim of all this [marking?] then problems and being in the country illegal and loitering, it's better to get the service NEAR to where you enter and then be supported" (28.08.12). Mr. Mkhize again connects asylum seekers with loitering and abuse, and claims that the DHA's closing the RRO would benefit asylum seekers rather than further the DHA's efforts to confine refugees and asylum seekers to regions close to the borders.

A final reference illuminates the differentiation between the deserving refugee, assigned positive attributes, and undeserving illegal immigrants or asylum seekers: "That's what we're saying, that if you go to Hillbrow, I'm telling you (.) not even one person of those people there are refugees (...) (murmurs of agreement)" (11.09.12). Within this textual evidence, Ms. Kgasi links Hillbrow, a neighborhood within Johannesburg which is notoriously known for high rates of

crime, unemployment and drug use, to foreigners, however not refugees who have officially been approved by the government and therefore portrayed as decent and respectable people.

### 6.2.3 *Argumentation strategies*

Most of the delegates primarily make use of the three topoi of burdening/weighting, numbers and abuse in order to justify their demanding stricter controls on the asylum system and the political construction of refugees and asylum seekers. Some other topoi such as name definition, finances, law and right or advantage also appear in the discussions, portraying specific aspects of refugees and asylum seekers in South Africa. Some of these textual evidences will be presented below.

The General Director of the DHA employs the topos of numbers which demands that a political action should be taken if numbers can prove another topos such as abuse, while presenting annual numbers of recognized refugees and rejected asylum seekers: “the differentiation between the economic migrants, with no skills, and asylum seekers. Because if we look at those numbers, they really tells you that, the people which we are dealing with, that are coming to our country, they are economic migrants, not asylum ah ah asylum seekers” (22.05.12). This reference illustrates the intersection of several strategies: first, as a referencing strategy, Mr. Apleni constructs different “in”- and “out”-groups, such as the “deserving asylum seeker” with a genuine claim, whereas the economic migrant does not deserve any protection or even presence within South Africa. Nevertheless he concludes that all asylum seekers coming to South Africa are in fact economic migrants, as low recognition rates illustrate. Furthermore, in a predicating strategy, he assumes that no economic migrant possesses any skills of use to the South African economy, referring to an on-going discourse in South Africa about critical skills that are needed and which are recruited from abroad. In a third strategy, Mr. Apleni employs the topos of numbers, highlighting that the

figures collected by the DHA (and thus reliable and valid), justify and prove the topos of abuse, and arguing that political actions are therefore necessary to counteract the abuse.

The subsequent textual reference similarly indicates the use of the topos of numbers, giving proof of the topos of burdening/weighting:

It is on records that currently we are the highest country (..) in the world (..) to attract the asylum seekers (..) which proves ah huge risks in the [government?] and in terms of the capacity of, to deal with this matter. But when I come to the statistics I will be able to demonstrate that these are the numbers we have, and the numbers I confidently talk about is only those who have come in a legal way in the country (22.05.12).

Mr. Apleni here again establishes distance between “we”, meaning South Africa, and “the asylum seekers”. He emphasizes the fact that South Africa receives the most asylum applications of any nation with the use of pauses before and after the phrase “in the world”. Furthermore, Mr. Apleni connects this fact with the topos of burdening, that South Africa lacks the resources and capacities to deal with the volume of asylum seekers, evidenced by numbers presented as reliable due to their having been collected by the department itself. Meanwhile, a repeated connection between illegality and asylum seekers is picked up by the General Director, as he “only” speaks about the number of legal asylum seekers, implying a high number of illegal immigrants in the country.

Ms. Kgasi merges several strategies in order to perpetuate the discourse around asylum seekers: “Provision of social assistance to refugees can ACT as a pull factor to South Africa that exerting MORE pressure on the limited resources and capacities. Now if we, this can be an oasis syndrome, that we, everybody will then flow DOWN towards where the water is” (11.09.12). Ms. Kgasi first employs the topos of burdening or weighting, depicting asylum seekers as coming to South Africa for its social provision scheme which was recently extended to refugees.

She emphasizes her opinion by stressing “MORE pressure” and “flow DOWN”, comparing the country to an oasis which everyone is drawn towards like “water”. The statement registers the delegate’s disapproval with the court’s verdict to allow refugees access to social grants, while implying that new measures are required to prevent the arrival of more asylum seekers.

Whereas the three topoi of burdening/weighting, numbers and abuse are utilized most frequently, other topoi are sporadically weaved into the discussions. The topos of definition or name-interpretation for example is employed by Ms. Kgasi insofar as she refers to the attributes inherent in the definition of a refugee in order to justify political actions like the involuntary return of refugees: “Refugee status is not a permanent situation. At one point in time people have got to go back to their country. How then do we ensure that that happens and that we minimize all those things that have pushed people out of their country?” (11.09.12). Ms. Kgasi does not consider other durable solutions such as integration within the host country or resettlement into third countries as adequate but indicates that the only possible solution for refugees is “to go back to their country”, also denying that a host country like South Africa could have become home to many refugees by now<sup>7</sup>. Furthermore, she remains vague as to what has caused asylum seekers to seek refuge. She does not name any justified reasons for seeking asylum but refers to all possible reasons for flight as “all those things”.

The topos of law and right is mostly employed when actions in favor of refugees and asylum seekers are described, for example, Mr. Earl’s statement on the access to social benefits for refugees. He refers to the South African legislation in order to justify the payout of grants to refugees: “There is also a distinction that we need to make around the, what, who qualifies for a grant, there are two types of categories that you have people who they, they call refugees, they in terms of the South African legislation they qualify for grants in terms of the social development. And there of course there are what we call asylum seekers. Now

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<sup>7</sup> South Africa’s legislation equally does not contain any rhetoric of ‘integration’, however the terms of ‘control’ and ‘illegality’ appear frequently (Klaaren & Ramji 2001: 39).

asylum seekers would not qualify” (30.10.12). This reference also indicates how the speaker positions himself in relation to the statement: Mr. Earl first employs the distinct pronoun “they” in “they call refugees”, to maintain a distance to the institution which grants refugee status and to the category of people who benefit from SASSA`s grants. However, he then suddenly switches to a common “we” in “we call asylum seekers” when it is less problematic to identify with a category of people which does not benefit from the SASSA agency of which he himself is Acting Executive Manager.

A deviant positive topos of advantage is employed by Ms. Kgasi within the discourse, primarily in order to maximize the benefits to citizens: “if we’ve got a person that is doing very well, businesswise FROM Somali, from-, how then do we learn from him so that we can have -, what are the benefits that we are deriving from hosting refugees instead of us always calculating the COSTS, but there are benefits and that’s what benefits are for and that’s a way also of changing perception of our communities” (11.09.12). Ms. Kgasi`s statement points towards a change in the perception and the welcoming of refugees and asylum seekers into South African communities. Nevertheless, she maintains her distance towards the out-group by emphasizing “our communities”, and the COSTS of hosting refugees - a further reference to the topoi of finances and burdening. Her example also refers to a refugee from Somalia in order to substantiate her point. Somalia is one of the few countries recognized by South Africa as a refugee-producing country. This choice ensures that her example would avoid attributing positive aspects to a person abusing the asylum system.

#### 6.2.4 *Perspectivation / Framing strategies*

The delegates` comments were usually loaded with various adverbs such as “just”, “only”, “even”, “but” or specific verbs in order to indicate their own position and opinion within the discourse. However, the content itself would also serve to

position oneself, as delegates clearly conveyed their views to the parliamentary members and did not hold back when it came to articulating their beliefs.

Delegates picked up the public discourse on xenophobia within the DHA department and distanced themselves from accusations, by justifying discriminating acts towards foreigners:

“we are looking at ah businesses that are run by foreigners just to check how many of those are registered (..) And we found that most of them are not registered. And then again in Soweto we have a committee that we are working with where we have the [community?] people, and that this is what then CAUSES trouble, and when some flame up it’s them xenophobia, (overlapping murmur in agreement) but it is not xenophobia it’s all these things” (11.09.12).

Ms. Kgasi refers to numerous incidents within the country where foreign-run SPAZA shops were targeted by looting mobs. She explains that it was non-registration, not xenophobia which motivated these violent attacks. She positions herself clearly, minimizing the fact that numerous shops have been attacked by referring to them as merely “some” which have been burnt down.

This discourse on xenophobia is similarly picked up by Mr. Apleni in the following statement: “Before, when we were talking about these matters, we were always [prophesized?] as the department which is (..) xenophobic. But at least NOW (..) in the country (..) politically, there is that support, which was lacking in the department, it is clear now that there is a problem which we need to deal with and that problem is only based on the interest of the security of the country. So it gives us ah ah that encouragement” (22.05.12). Mr. Apleni makes use of the adverb “now” in order to stress the urgency of the “problem”, a problem he describes as “only based on the interest of the security of the country”, thus utilizing the topos of usefulness as justification for any political action taken. He emphasizes the political support for the DHA’s actions within the country, an

emphasis further intensified by accentuated pauses before and after this statement. He goes on to stress the urgent need for immediate actions as the problem “is clear now” and needs to be dealt with. Again, asylum seekers are described as a problem which needs to be solved. No further distinction is made nor is any responsibility taken by the DHA, for example their role in administering a flawed asylum system, the amount of backlog in status determination or the department’s neglectful issuance of permits.

Another statement sheds light on the practice of verification of refugee and asylum seeker permits by banks, since a permit verification is required in order to open a bank account: “Processes being implemented with financial institutions, to verify and confirm refugee status and documents, what we have been doing with all the financial institutions, banks, is that we are able to to to verify, even for asylum seekers, the the the the the documents that those asylum seekers and refugees have, so that they are able to open accounts” (11.09.12). Ms. Kgasi underlines the services of the DHA and gives prominence to the fact that “even” asylum seekers enjoy these services; she ignores respective laws and the recent court verdict which requires the DHA to fulfill these services. She instead presents them as a favor done by the DHA for “those asylum seekers and refugees”. The conditions of accessing banking and how they are severely shaped by the DHA’s performance and attitude towards verifications will be investigated in detail in the chapter of social consequences.

The following reference illustrates how the speaker positions himself by means of adverbs and an “I” versus “You” accentuation:

what I’m saying if now I’m in South Africa, I’m I’m running for whatever, it might not be possible for me to go to a port of entry because if I do that I’m going through the government from which I’m running away from so therefore in that instance I can go through a borderline, but where it is problematic is when now you are coming from a third country, because you are [allowed?] to move



from country and come to a third country and then you're coming to the border and xxx xxx xxx to South Africa, but that's how we are accepting asylum seekers (22.05.12).

Mr. Apleni here not only openly positions himself by displaying regret when formulating “*but that's how we are accepting asylum seekers*”. He uses “I” when identifying with an asylum seeker who crosses the border in an irregular way due to persecution by his or her own government, but then suddenly switches to “you” and signals distance and disapproval when he describes an asylum seeker coming from a third country in order to seek protection in South Africa.

### 6.2.5 *Intensification or mitigation strategies*

The last section of intensifying strategies highlights how delegates reinforce their remarks by employing certain rhetorical means such as intonation, mimicking voices or ridiculing examples combined with other above described strategies.

The first reference exemplifies the combination of several strategies within one statement about alleged strategies of asylum seekers:

What do they do? They start come on a visitor's visa, 90 days, 90 days, after that xxx (mimicking voice) ‘ey this thing I must go back, because if I get that 90 days, I'm gonna be overstayer, so the best way now, ah let me say I'm an asylum seeker, because an asylum seeker, I wanna be able to, if I get an asylum seeker I'll be here for a long time, but with this process we'll come and explain’, they KNOW that (mimicking voice) ‘oh we've got a backlog on an asylum seeker (laughing), if I apply for asylum seeker I just be here after a year I just renew this and renew this’ (14.08.12).

As a referential strategy Mr. Apleni refers to one generalized group of asylum seekers, titled as “they”. He then continues ascribing them attributes such as dishonesty, by claiming they willingly decide to apply for asylum solely in order

to gain a more permanent stay. He thereby applies the topos of abuse to justify this social construction and advocates political actions. Mr. Apleni positions himself within the discourse and intensifies the statement by repeatedly using the adverb "just" in his last sentence, implying an assumed easiness of a life as an asylum seeker within the country, further intensified by means of intonation and a mimicking voice.

Another reference by the General Director of the DHA similarly builds upon the usage of adverbs in order to intensify his statement: "But I think that point was important, which was raised by honorable member (.) Bothman, that there is always this thing that we're getting high skills only from abroad. That's why we're fighting now with OTHER agencies where they brought, ah bring exotic dancers, and say those are the scarce skills (Laughter)" (20.11.12). The statement is elevated by the use of "always" and "only", highly generalizing the on-going processes of hiring critical skills. Mr. Apleni furthermore demonstrates his opinion via a laughable and disputable example of exotic dancers.

A final reference elucidates how several of the above analyzed strategies are combined within one statement:

"what we had the following year, which was 2009, 2007, sorry, 341.602, when we went to the United Nations a statement was issued by the the the the UNHCR commission, where they admitted that again South Africa was the main destination for ALL the people that needed that wanted to xxx or come into South Africa. The number was xxx bigger than anything that was lost in all the European countries put together, not just one. If you think what happened in Greece, what happened in Italy, now ALL OF THOSE put together we were the highest, GLOBALLY. Now what does that mean? (...) It means that we have a current of people that are coming to this country, not because they need asylum (overlapping: asylum) here, but then they want to come and work" (11.09.12).

Ms. Kgasi, in this textual reference, employs several strategies in order to contribute to an argument demanding the tightening of the asylum system. First, she references to asylum seekers only by number, thus diminishing human characteristics. Second, she employs the topoi of numbers and burdening in order to highlight how the number of asylum seekers affects South Africa and necessitates political measures in order to decrease the numbers of asylum seekers. A third topos of history, the examples of Greece and Italy, is utilized to increase the severity of the case and to allude to possible consequences for South Africa. Ms. Kgasi resorts to rhetorical questions (“Now what does that mean?”) and intensification strategies by placing emphasis on “ALL OF THOSE asylum seekers” and by stressing the comparison “GLOBALLY”. Moreover she brings up the established UNHCR agency which “admitted” the high numbers. Finally, the Chief Director of Asylum Seekers Management refers to the metaphor of a “current of people” that threatens to swamp the country and must therefore be dammed, since they do not seek protection but come with the intention of abusing the asylum system.

### 6.3 Summary of the linguistic practices

The linguistic features of the remarks made by delegates of the DHA and DSD entrench construed social identities and certain beliefs about refugees and asylum seekers in order to justify political actions, to strengthen unequal power relations and to further dichotomize South African nationals and foreigners. First, a very consistent distinction between “us” and “those” refugees and asylum seekers pervades most statements. Moreover, various negative attributes are ascribed to them, specifically their dishonesty, manipulation of citizens or activities such as loitering in order to demand measures which curtail their rights and access to asylum. A distinction is made between more or less deserving refugees and asylum seekers, with the latter mostly portrayed as economic migrants coming to South Africa to exploit the country’s resources by abusing the asylum system. The discourse is mainly constructed by the topoi of numbers, abuse and burdening. These topoi are mostly utilized in order to demand a tightening up of the asylum

system and a strict handling of asylum seekers and refugees. Other topoi are similarly brought up, such as finances, history, or law and right in order to seek parliamentary members' approval of the departments' tactics and decisions such as closures of refugee centers.

Delegates do position themselves openly and do not hide their own opinions regarding both categories of refugees and asylum seekers. In a common formulation, they are regarded as successful in business, creating unfair competition for citizens, an edge furthered by advantageous structures such as organizations solely attending to the needs of refugees. The social security system is mentioned as similarly attracting refugees and adding to the burden on South Africa's resources. Metaphors, passive constructions and intensifying adverbs point to these convictions being shared by the delegates. Many references draw upon polarizing topics within the media and the public, such as foreign-run businesses or the abuse of the asylum system by economic migrants and its negative consequences for South Africa. The statements strengthen and intensify the public discourses on refugees and asylum seekers as mostly illegal, creating unfair job competition and a burden on the country. Delegates' remarks do not aim to dismantle or alter public perceptions but build on already existing discourses in order to justify their own power and dominance over refugees and asylum seekers. The goal of these discourses is a decrease in the number of refugees and asylum seekers seeking protection in South Africa.

## 7 'Theoretical' Practices

The discourse on refugees and asylum seekers creates various dichotomies in the areas of state sovereignty versus ideas of humanitarianism and solidarity. It is governed by conflicting ideals of control and access. In order to reach a deeper

understanding of the constructed discourse, both theories of citizenship and the human rights framework are briefly presented. This will elucidate how both ideas are intertwined and simultaneously drawn upon within the discourse of refugees and asylum seekers constructed by the delegates. After a short illustration of the theoretical assumptions of a transdisciplinary framework in CDA, both frameworks will be briefly introduced and their role in the portfolio committee meetings investigated.

## 7.1 Theoretical assumptions

In critical research, the research question is generally embedded within a problem of social practice. Critical research must however draw on disciplines or theories outside the linguistic domain which study the initial problem in order to arrive at an interdisciplinary analysis of social practices (Fairclough 2009: 169). As Fairclough highlights, theories should be chosen which enhance the knowledge of on-going processes and their implications for the groups concerned (ibid). Whereas the research question of this thesis originates in experiencing barriers of rights realization for refugees and asylum seekers, theories of citizenship and human rights constitute the conflict of state interests versus the extension of equal rights to everyone and are thus drawn upon in order to enrich the analysis from a multi-perspectival view. The actors' drawing on theories and discourses in new and complex ways signal a change of social practices, whereas rather conventional ways of connecting old and new discourses by the actors within the discourse point towards containing previous discourses of dominance and stability (Jørgensen & Phillips 2002: 73). Because critical research is based on constructionism which allows and embraces different perspectives to understand the production of the social world, a multi-perspectival approach suits critical research ideally.

## 7.2 Background of the human rights framework

As argued in the introduction, social work is considered a human rights profession, with its mission to enhance human rights for every human being. The human rights framework is governed by the principle of universality, which in theory entitles everyone with the same rights based on equality and dignity. The underlying notion assumes that rights are inherent in every individual's nature, thus decoupled from citizenship in any sovereign state. Included are social, political, economic and cultural rights, enforceable against the state. The Universal Declaration of Human Rights (UDHR) was officially endorsed by the UN in 1948 but was not legally binding (Noyoo 2004: 360). However, two conventions were formulated in 1966 derived from the UDHR, namely the International Convention on Civil and Political Rights (ICCPR) and the International Convention on Economic, Social and Cultural Rights (ICESCR) (Yigen 2007: 14).<sup>8</sup> The development of social rights however has in practice been hindered in many countries and has been subordinated to political and civil rights, because their enactment is dependent on political processes and their enforcement on civil law judgments (Dean 2011: 21).

Social rights mirror a greater distributive justice, and their analysis reveals a country's underlying values such as the inclusion of minority groups (Rittich 2007: 109). South Africa has signed both conventions but has not yet ratified them, questioning the enforceability of socio-economic rights and the financial implications thereof (Yigen 2007: 16). In its Constitution, the state of South Africa is deemed to "respect, promote and fulfill" all rights that are laid out in its Bill of Rights. The obligation to respect rights thus "imposes a negative duty on the state – a duty *not* to act in any way that would deprive people of the rights or access to the rights" (ibid: 22). Moreover, the duty to promote rights requires the state to raise awareness about the rights themselves and how to access these, to further support these rights in an active way and create a respectful environment

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<sup>8</sup> Even though they are divided into two separate treaties, most scholars agree that human rights are interrelated and interconnected and can, in their global implementation and enforcement, not be separated (Foster 2007: 182).

towards them (ibid: 25). Despite these commitments, it is primarily the judicial branch within South Africa which upholds and promotes socio-economic rights for minority groups via major precedent cases (Shany 2007: 99).

### 7.3 Background of theories of Citizenship

The principle of citizenship opposes the human rights framework, as it only endows citizens of a particular state with certain rights. According to the seminal essay of T.S. Marshall, citizenship is a legal status conferred to the individual by birth or naturalization, and it encompasses specific rights which Marshall divided into civil, social and political rights. Marshall understood these rights and their obligations as means to achieve equality in a society. Furthermore, he observed that citizens were unable to benefit from political or civil rights if they did not enjoy any social rights (Bloom & Feldman 2011: 44). His work remains crucial to modern citizenship theories, especially regarding a rights-based approach. Nevertheless, there is a distinction to make between the definition of formal rights acquired by the status as citizen, and the actual practice of citizenship, the ability to fully participate in society (Witworth & Noble 2008: 255).

Due to its close emergence with the nation state, socio-economic rights have historically been tied to citizenship rights. This historical link was challenged by the increase in immigrant workers, especially in Europe shortly after World War II (Rosenhek 2006: 495). Their integration into host countries reflects a starting point for theorizing about citizenship and immigrants' rights. Whilst citizenship was primarily based on descent, Non-EU immigrants' rights were often substantially extended according to their length of stay and a status of permanent resident (Schmitter Heisler 2000: 85). Especially Soysal and Jacobson have thus argued for a new concept of citizenship which takes growing migration and transnationalism into consideration, by decoupling of civil, political and social rights from the considerations of the national identity of the rights-bearers (Jacobson 1997: 123; Soysal 1996: 21). Hammar (1990) coined the term of

“denizenship”, relating to the citizenship’s decrease in importance (in Rosenhek 2006: 496).

Jonathan Klaaren<sup>9</sup>, exploring the differing views on citizenship in South Africa’s executive, legislative and judicial branch, refers to a historically negative view of citizenship in that citizens are connoted as not prohibited by migration laws (2010: 394). Within the legislative branch he points to the amendments of the Immigration Act in 2004 which listed permanent and temporary residents under the same category as illegal foreigners rather than citizens (Klaaren 2010: 495). Hence citizenship contestation appears to be “waged largely within the state bureaucracies – it is one taking place within the official mind; it is not one that is public and participatory in a formal sense” (ibid). Landau adds that although refugees are formally allowed to apply for permanent residence after five years, many obstacles hinder the realization of these rights (2008b: 31).

## 7.4 Theories of citizenship and principles of human rights within the parliamentary debates

The above described developments highlight the intersection of theories of citizenship and the human rights framework – both address political, social and civil rights. However, the two concepts are driven by different motivations for the entitlements: rights attached to membership versus rights disconnected from any membership (Shafir & Brysk 2006: 283).

Delegates sporadically drew on ideas of human rights during the debates, to explain the conditions under which South Africa would support refugees and the country’s legal obligations, while simultaneously highlighting the costs to South Africa:

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<sup>9</sup> Jonathan Klaaren, Law School professor and former director of the Mandela Institute, also served on the Immigration Advisory Board of the DHA.



I'm looking for all South Africans with ID documents, and a refugee comes with an ID document and they reply they say you are not part of this and again, we REALLY need to, a South African to say, what does it mean, what are the implications of this, starting with an a a a concept. If in your ward you've got ten refugees, those refugees are entitled to the RDP house, those refugees are entitled to free electricity and water, those refugees are entitled to send their children to free school fees, whatever (11.09.12, Ms. Kgasi).

Ms. Kgasi highlights the need for awareness of refugees' rights within the communities and the need for more training for officials so their documents are recognized. She simultaneously emphasizes that refugees enjoy rights which citizens were originally only entitled to, diverting South Africa's scarce resources.

Mr. Earl likewise acknowledges the extension of certain rights to refugees and points to the lack of awareness among citizens:

I think that it must be understood is that, particularly from a community point of views, that communities need to know that these people will qualify, they are refugees, and they meet the necessary cri- criteria, because at the moment SASSA pays around 765 grants to refugees. They are they are all legal, they have got refugee status in the country, and they are entitled to it by rules of of the South African government (30.10.12).

Mr. Earl's statement underlines the lack of awareness among citizens, and defends the extension of social grants to refugees as they legally qualify. However, the low number of 765 grants that are nationally paid out to refugees indicates either a lack of knowledge amongst refugees themselves as to their rights to social grants or the prevalence of practices and institutional barriers which hinder refugees' access to social benefits. Experiences of refugees who have attempted to gain access to social grants will be elaborated upon in the subsequent chapter of social consequences.

While some of the departmental delegates acknowledge the rights extended to refugees, they often imply that refugees gain superior rights when compared to citizens' rights, for example Ms. Kgasi of the DHA:

but ALSO I would like the members just to look at all organizations that are supporting refugees. If you go to these ah ah organizations that are giving out grants for development, if I go there as a South African I'm asked to go and form a cooperative and come and APPLY with my cooperative, then I will have to xxx xx xxx and all the others. Whereas the refugee can get a grant on their own and then what then happens is that they go along and xxx in Johannesburg they OWN a saloon, a South African goes in, get their hair done, out of this grant money (11.09.12).

Ms. Kgasi states that refugees have it better because of the existence of special organizations dedicated to their needs. This advantage makes citizens dependent on the services of refugees. However, she neglects to mention the fact that refugees are barred from receiving any loans in South African banks. Whilst accepting that refugees are rewarded certain rights based on having availed themselves of the protection of the South African government, Ms. Kgasi indicates that refugees' rights should be limited so as not to disadvantage citizens. Ms. Kgasi never considers the refugees' agency to improve their lives by creating job opportunities, an action which limits their dependence on the state and state resources. Statements like these reinforce the perception that only refugees in camps are deserving refugees with genuine claims to humanitarian assistance. Urban based refugees who seek to become self-reliant would not possess any valid claims (Belvedere 2007: 66).

Delegates drew on concepts of citizenship more often than on ideas of human rights when constructing the discourse and positioning themselves. Two of the paramount topics around foreign nationals residing in South Africa are the issues of permanent residency and the need for migrants with scarce skills. The DHA has produced huge backlogs (11,000 in terms of issuing Permanent Residence permits) and has been taken to court over this matter (Portfolio Meeting,

20.11.12). In the province of Limpopo for example, bordering Mozambique, Zimbabwe and Botswana, only six out of 87 applications for permanent residency were approved in the first quarter of 2012, compared to 707 approved temporary permits out of 982 applications (Portfolio Meeting, 31.07. 12). Mr. Apleni clearly pointed out in the committee meetings that the DHA would prioritize temporary permits because “if you are now in the country, you don’t have a temporary residence permit you are illegal in the country. But a permanent resident (..) you are graduating from temporary residence to a permanent residence permit. You are not illegal in the country because you do not have your permanent residence, but it is just because people want to jump the processes of temporary residence and go and jump on the permanent residence” (14.08.12). Mr. Apleni emphasizes the importance of being legal in the country; the desire to control everyone residing in South Africa is a ubiquitous topic within the debates. He clearly assigns a greater priority to control than to awarding temporary residents with a permanent status, a prioritization yet again justified by a motive of security and possible threat by illegal immigrants. He further insinuates that foreign nationals would only apply for permanent residence. In fact, legislation allows refugees to do so after five years of recognition as a refugee.

Mr. Apleni further explains a recent increase in applications for permanent residency by highlighting how South Africa offers more pull factors for asylum seekers, thus drawing a clear relation between the asylum seeker management and permanent residency (Portfolio Meeting, 14.08.12). He concludes with the following statement:

One of the proposals which we have we’ll remember is that we want to delink a permanent residence from citizenship. Currently I just said in South Africa I’ve got five years then thereafter you qualify (..) But it must be DELINKED, a permanent residence you can be here for fifty years we give you a permanent residence but doesn’t mean that we must just say after five years NOW I must be a citizen. [Sentence left out] Other countries they don’t do that, you remain a permanent resident, you are NOT a citizen of that country (20.11.12).

The statement above clearly draws on ideas of a citizenship where only citizens hold specific rights due to their place of birth or naturalization. In Apleni's view, once a person has immigrated, a clear distinction should remain between the two categories, and the current legislation which allows naturalization should be abolished. Mr. Apleni's statement therefore reinforces traditional citizenship concepts where only certain members of society have access to all rights.

Moreover, permanent residence is not easily granted to foreign nationals, and applicants must meet specific criteria in order to qualify. In this regard, South Africa's demand for critical skills comes into play. Mr. Apleni suggests that a policy of defining critical skills would enable the department to distinguish "who is coming to our country to add, and that's what we need to look at, is what [kind of skills?] we need to get in, and then tighten up on this issues of of of of asylum seeker management" (22.05.12). Hence Mr. Apleni yet again draws a direct line from permanent residency to asylum seeker management, which as a system is supposed to offer protection to people who are persecuted for various reasons. As a recognized refugee they would qualify to apply for temporary or permanent residency according to specific criteria (such as remaining a refugee indefinitely), however the Director General of the DHA aims to strictly separate the asylum seeker management from residency permit management, hinting at the possible abuse of the system by undeserving applicants.

Mr. Apleni points out that "people are unemployed. So WE have to BALANCE this, so that's why I was saying the Department of Home Affairs we have the responsibility to recruit CRITICAL skills, not just skills" (20.11.12). Mr. Apleni insists that most asylum seekers who enter the country do not possess skills needed by South Africa, as previously highlighted in the section of argumentation strategies, but would solely increase competition in segments requiring lower skills.<sup>10</sup> Refugees who have usually stayed a considerable amount of time in the

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<sup>10</sup> One of the biggest surveys among refugees and asylum seekers in 2002/2003 showed that two-thirds of the respondents had completed secondary education, and one third of these even tertiary

country are thus not considered as part of the South African society, especially when they don't offer any critical skills. As illustrated in the section of argumentation strategies, Ms. Kgasi stresses the temporary duration of their stay in the host country: "Refugee status is not a permanent situation. At one point in time people have got to go back to their country" (11.09.12).

Finally, Mr. Madonsela, Director General of the DSD, accuses refugees and asylum seekers of choosing South Africa over other countries because of the specific rights they are entitled to in the republic: "And your greatest pull factors is that South Africa has the kind of social security system that it has and refugees in South Africa are now entitled to kind of benefits that ordinarily would be limited to, to South African citizens. A person which choose to be a refugee in South Africa, than be a refugee elsewhere, in parts because of that" (06.03.12). Mr. Madonsela underlines recent changes within the grant system which he links to the high amount of foreigners coming to South Africa. Drawing on ideas of citizenship which would "ordinarily" limit the benefits to citizens, he demonstrates his disapproval of the extension of grants and thus of giving equal rights to refugees, evinced by his claim that all refugees deliberately choose to which country they flee.

## 7.5 Summary of theoretical practices

Delegates draw on both frameworks of human rights and citizenship within the debates in order to position themselves. The references convey that South Africa has a duty to protect refugees, out of humanitarian obligations, however these obligations are solely acknowledged, as delegates do not demand the extension of rights. They merely point towards the need for awareness within the communities and spend much of their time highlighting the ways in which the provision of rights to refugees disadvantages citizens. Refugees and asylum seekers are seen as

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education (Belvedere 2007: 63). However, most are employed in the informal, especially labour intensive sectors (CORMSA 2011: 26).

temporary guests within the country and undeserving of any citizenship status, no matter how long they have contributed to the economy or how much they have integrated into the society. Furthermore, they are not considered as offering any skills that might be useful for the South African economy, even while it is acknowledged that skills are critically needed from abroad. Theories of citizenship are more often drawn upon to establish clear boundaries between citizens and refugees or asylum seekers who are deliberately choosing to come to South Africa for the social protection offered. In an attempt to minimize the number of asylum seekers seeking protection in South Africa, delegates advocate political actions to prevent foreign nationals from attaining citizenship status.

The emphasis of a traditional understanding of citizenship as opposed to human rights reproduces established power relations within the discourse around refugees and asylum seekers. The discourse produced does not aim to alter or change existing perceptions about refugees and asylum seekers in the public such as results of the Afrobarometer survey - not deserving any protection in the country or taking away benefits from citizens. The delegates' statements however merely perpetuate the portrayal of refugees and asylum seekers in South Africa and the implications for South African society. Not only do the constructions not challenge present power relations, they conceal and strengthen existing discourses. This is very worrisome as the setting of the discourses, committee meetings with parliamentary members, indicates a much higher level of power to establish the discourse and implement policy changes with immediate consequences for refugees and asylum seekers.

## 8 Social Consequences

The last chapter of this thesis will outline the theoretical assumptions underlying the analysis of social consequences implied by a discourse. It will then highlight

several current practices in which refugees and asylum seekers take part and are dependent upon. It focuses on the dialectics of the communicative event of the portfolio meetings and the production of social life, in the sectors access to documentation, social grants and banking. Statements from the interviewees as well as previous scholarly research on rights realization within the socio-economic domains will serve as the basis for the social consequences and interactions scrutinized.

## 8.1 Theoretical assumptions

Fairclough points out that texts represent only one element constituting social practices, and non-discursive elements such as physical or sociological elements likewise play a part in shaping them (Fairclough 2009: 170). It is therefore crucial to define the context of other elements contributing to the social practice and incorporate the analysis of actions which contribute to producing social life into the CDA (Fairclough 2000: 171; Jørgensen & Phillips 2002: 86). However, social life, identities and practices are simultaneously mediated by texts and discourses produced by powerful actors and channeled by the public and the media (Fairclough 2000: 165). Fairclough thus advocates for a dialectical relationship between the communicate events and the production of representations of the social world and social interactions (2000: 169).<sup>11</sup> The relation between the broader context of social practices and its linguistic practices reveal possible change and social consequences for the subject of the discourse, refugees and asylum seekers.

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<sup>11</sup> However, Fairclough remains unspecific to which amount or in which moment social practices shape texts or linguistic practices, and vice versa (Jørgensen & Phillips 2002: 90).

## 8.2 Access to documentation

According to the Refugees Act, a refugee is entitled to a refugee ID once officially recognized. In practice, obtaining these IDs is often onerously difficult, as an extensive Human Rights Watch (HRW) Report of 2005 confirmed (2005: 30). ID documents are not automatically issued but must be applied for. Belvedere explains the DHA's failure to provide efficient service for refugees and asylum seekers as stemming from the department's tendency to prioritize South African citizens (2007: 60).<sup>12</sup> She also argues that the issuance of refugee ID documents greatly differing in appearance to citizens' documents further entrenches deliberate exclusion and a stigmatizing of refugees and asylum seekers as outsiders (ibid: 63), a sentiment shared by refugees (HRW 2005: 34). While the refugee ID must contain specific data of the refugee, there is no legal specification that the document must differ from a citizen's document in the number of digits or in its appearance. HRW also criticizes the regulation requiring the regular renewal of permits and refugee IDs because it implies that a refugee's stay is temporary in nature, hindering local integration (ibid). This observation is confirmed by parliamentary discussions which emphasize that refugees and asylum seekers are only to stay in South Africa until the situation within their home country is stable enough for a return. This mind set is further evinced in a lack of awareness of refugees' rights in local communities, and a widespread ignorance as to the appearance and validity of refugees' documentation by institutions.

The semi-structured interviews with refugees and asylum seekers revealed that many of the above mentioned obstacles still persisted at the end of 2012. Interviewees confirmed that personnel at institutions providing social assistance did not recognize their refugee permits (A 111-112), and that financial institutions or employers insisted on a refugee producing a refugee ID rather than a permit (B 66-70, B 49, E 72-75). Moreover, refugees who had applied for an ID faced lengthy processing delays that it was not uncommon for newly received IDs to be

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<sup>12</sup> The DHA became responsible for issuance of ID documents to new citizens after the end of apartheid in 1994, and thus shifted its resources to fulfil this new role.



within a few months of expiring again (A 48-53, B 42-43). While the DHA announced in 2002 that refugees would be issued with an ID valid for the same period as their refugee permit, only 11% had received a refugee ID one and a half years later (Belvedere, Pigou, Handmaker 2008: 244). Internal statistics of a refugee organization show that out of 67 status inquiries on behalf of refugees at the DHA, 24 were untraceable and had to be applied for once again, and 29 applications were still in process with an average waiting time at that point of 363 days without notification by the department. As one interviewee summarized, “It was already to, to expire. So I tried to go to apply again, a new one, until today there is not answer. Now now I was there to ask again ID, they say they not answer. So this, it is a trouble only.” (A 52-53).

The interviewees agreed that the possession of a refugee ID would not solve all their problems, they were aware of how a South African ID would allow them apply for bank loans or job openings (A 95-97, B 190-195, D 96- 102). One refugee practitioner in the field highlighted the implications of difficulties in acquiring proper documentation:

I mean you can have human rights, but in order to realize your rights you have to have an enabling document, you know we live in a, in a society where you have to prove who you are, ya, and you have to have this 13-digit number and all our computer systems are, are designed for that, and so it’s by far the tiny minority who are able to access these documents properly and ya, so banking, social grants, schooling, many of the most important social services are affected by the enabling document problem (H 135-140).

While Ms. Kgasi reported in September 2012 that the DHA was now going to issue refugees with an ID document similar to the South African one, the introduction of a so-called “smart card” for South African citizens has also been extensively discussed in several meetings and is currently being piloted (Apleni, Portfolio Meeting on 14.08.12). The smart card contains biometric data, such as

finger prints and voice-recognition, and will replace the green South African ID book (Mmakau, 05.03.12). External stakeholders such as banks, health services and SASSA have joined this system. As a consequence, these smart cards could become a prerequisite for access to these services. Non-possession might lead to numerous obstacles and protracted delays in accessing services. However, as Ms. Kgasi pointed out, solely citizens will currently be eligible. Refugees and asylum seekers will only be considered for integration into the system if everything “is working very well” (11.09.12). It is quite possible that refugees could gain the ID books they urgently need only to find themselves left behind yet again. The DHA’s authority to decide who will be included in an extensive system, granting access to several vital services, illustrates how the discourse around refugees and asylum seekers serves to further limit their access to institutions (such as banks or hospitals) and to exacerbate problems of access and rights realization.

### 8.3 Realization of socio-economic rights

A study by the UNHCR in 2003 found that most refugees had difficulties obtaining a job or opening a bank account without producing an ID document (HRW 2005: 32). Refugee practitioners in the field further concluded that refugees experienced these difficulties because they were unable to obtain an ID in the first place and found potential employers unwilling to accept refugees or asylum seekers permits as a valid work permit, or, when they did receive IDs, they found potential employers unwilling to hire them due to the pending expiration of their IDs (Belvedere *et al.* 2008: 243). CORMSA reports that on-going grants were halted when refugees failed to produce required ID documentation in the allotted three month period of time after the expiration of their old ID (CORMSA 2011: 37). This three month window is unrealistic given that, as described above, the processing time for refugee documents is on average ten to twelve months. The importance of refugee IDs in accessing crucial services gives the DHA tremendous power over the institutional inclusion or exclusion of refugees and asylum seekers.

Apart from the above described obstacles to acquiring refugee IDs or the non-recognition of refugees' and asylum seekers' permits by institutional staff, interviewees further highlighted great challenges when it comes to the verification of their valid permits, particularly when receiving social grants or opening bank accounts. Whenever a refugee or asylum seeker permit is extended, banks need to confirm the validity of the new permit. However, according to the DHA, confidentiality laws recognizing the special protection of refugees and asylum seekers prohibit their data from being accessed via an online interface; it must be manually verified by the DHA. Interviewees and practitioners have criticized both the DHA for failures to verify permits in a timely manner, and financial institutions for closing down bank accounts without prior notice. When banks close accounts, refugees and asylum seekers suddenly lose all access to the money in their accounts, oftentimes in desperate need to pay for rent or food (B 62-65, C1 80-84, C2 23-42, E 9-38). Moreover, refugees and asylum seekers displayed confusion why a document which has been issued by the DHA itself needs re-verification by the same department. They are most baffled as to why they should be prevented from accessing their very own money (C1 61-63, C2 23-38).

Contrarily, Ms Kgasi underplays the haphazard nature of the permit verification regime. She emphasizes the authority and competency of the DHA in verifying documents: "We are the ones who verify documents. We issue the documents and we've got a row to verify these documents" (Committee Meeting 11.09.12). In practice the verification process is nowhere near so systematic. Even though the process should be carried out between financial institutions and the DHA, the delays are so long many refugees and asylum seekers or refugee organizations must go directly to the DHA, in an attempt to speed up the process. The high costs of this process to banks, such as regularly sending staff to DHA offices in order to personally insist on speedy verifications, have led most banks to curtail service offerings to refugees and asylum seekers, particularly to asylum seekers whose permits must be re-extended at least every six months (letter First National Bank to Scalabrini Centre Cape Town dated 03.12.12).

The multiple month long verification waiting time similarly disadvantages refugees hoping to access social benefits (B 117-119, D 16-28). Permits of refugees applying for social grants at SASSA require the same process of DHA verification both before the initial grant application processing and for every review of the grant (Committee Meeting 20.11.12). The parliamentary debates clearly illustrated the DHA's distrust of refugees and asylum seekers and a widespread belief that they had chosen to come to South Africa specifically to exploit the system of social assistance accessible to refugees. A claim belied by the fact that only 765 refugees out of a total of approximately 57,000 recognized refugees were receiving social grants as of October 2012 (Committee Meeting 30.10.12).

Interviewees argued that South Africa abused refugees and denied their rights as refugees via slow processing times, the shoddy translation of laws into practice, and widespread discriminating practices (A 71-74, E 113-117, B 140-147, A 122-125). As a result, interviewees did not feel welcomed or integrated into the South African society, a feeling mirrored in the following statement: "But here in South Africa even though you apply for citizenship, like you always gonna be considered like you coming from somewhere" (E 144-146).

Interviewees however most frequently criticized the DHA's lack of communication with refugees and asylum seekers. They felt that no information was given prior to or during the process of accessing services. Even a simple request for information regularly required a refugee or asylum seeker to stand in a long queue (B 34-37, C 45-46, B 86-89). One interviewee reports the following experiences:

We don't even talk, even if you go there to Home Affairs, you not gonna find even an office that saying like inquiries, it's not there. Even though someone want to hear, you see, you can just have some information, it's not there, it's not there. It's a lack of

communication, it's like, we don't have to talk to you, just come, take your thing and go, you see (E 182-186).

From the accounts narrated it appears that specifically the DHA has sought to restrict the services it offers. It does not seek to improve communication with refugees or asylum seekers in order to clarify processes of accessing services or requirements for permits. This is highly disappointing considering that such communication would make the asylum- and documentation process more transparent and accountable. Not only would it benefit refugees and asylum seekers by clarifying which offices to approach and which processes to follow, but it would help the DHA officials themselves by minimizing aspects such as overcrowding at the RROs, incorrectly filled out forms or the erroneous applications for asylum instead of pursuing different channels of immigration.

## 8.4 Summary of social consequences

The above described processes and practices, experienced by refugees and asylum seekers on a regular basis, shed light on how ideas of citizenship versus human rights steer daily interactions and have strong influences on refugees' and asylum seekers' ability to realize their socio-economic rights in practice. Social rights tend to improve significantly as people move from asylum seeker to refugee to permanent resident. However, even if acquired by law, these social rights do not automatically translate into actual enjoyments. It is extremely common for current practices to hinder this translation.

The first and most important barrier that refugees and asylum seekers encounter is the timely acquisition of proper documentation. Refugee IDs, which would guarantee a higher recognition and easier access to services, are immensely difficult to obtain. Once acquired, their dissonant appearance and widespread ignorance among employers and governmental departments when it comes to their validity continues to impede refugees from realizing their rights. Changes to the

refugee ID offer only limited help. The benefits of the introduction of an ID similar to the South African citizens' ID will be excessively diminished by the simultaneous rollout of the citizen- only smart card with extended features.

A further stumbling block on the way to realizing rights is the DHA itself. Permits for various services (such as banking or accessing welfare) are not verified within a proper timeframe, a delay which brings massive challenges to the refugee and asylum seeker community. Furthermore, information regarding access or documentation is severely limited by DHA officials' failure to communicate. More transparency regarding the asylum process might deter immigrants who would not fulfill criteria for recognition as refugees from entering the asylum system in the first place, allowing them to focus on other immigration channels instead.

Whereas direct relations or causal consequences between discourses produced in the parliamentary debates and on-going practices in the field might not be established immediately, the broader context of the practices described above accentuate the DHA's and DSD's lack of commitment to improving the situations that refugees and asylum seekers find themselves in. Their willful neglect of the documentation processing regime and exclusion of refugees from the new smart card system reveal hindrances that could be easily circumvented by the DHA. Moreover, the mandate that refugees' and asylum seekers' permits be verified in order to access financial institutions stems from a court order. It might be seen by the DHA as an unwelcomed intervention from the judicial branch. This could be why it is not followed at least in terms of practical implementation. Likewise, the verification of refugee permits for social grants is severely delayed by the department, a possibly intentional neglect which mirrors the department's underlying perception that granting social benefits will result in an even higher amount of asylum seekers coming to South Africa. Therefore, the DHA's lack of appropriate and prompt compliance with court orders and legal regulations might illustrate a matching of actions with the constructed discourse in so far as to discourage asylum seekers from seeking protection in the country in an effort to protect South Africa from an assumed drain on its resources.

## 9 Conclusion

The critical analysis of the political discourse around refugees and asylum seekers in South Africa, produced by delegates of the DHA and DSD, reveal patterns of power and dominance which mirror similar discourses as constructed within the public and media.

Delegates of the two governmental departments evoke a discourse on foreign nationals which highlight their illegality, their abuse of the asylum system and their burden on South Africa's limited resources. Rhetorical motives of numbers, abuse and burdening are utilized in order to strengthen arguments in favor of limiting access of refugees and asylum seekers to the asylum system and to the country itself. The linguistic practices investigated display that governmental officials make use of various strategies in order to construct refugees and asylum seekers as a clear out-group compared to South African citizens, and openly position themselves in terms which demand the tightening up of the asylum system in favor of policies which focus on acquiring critical skills. As assumed prior to the research, socio-economic rights are considered a further pull factor for immigrants. The categories of refugees and asylum seekers are not interchangeably used. While negative or positive attributes are assigned to both categories depending on the argument being made, they are mostly referred to in a negative way. Whereas refugees are placed highest in the 'hierarchy' of deserving stay and protection in South Africa, asylum seekers and economic migrants are painted as bringing unfair competition to the labor market, and as exploiting the asylum system.

The dominance displayed within the parliamentary debates reflects a greater authority than discourses created within the public or media, as the delegates directly influence the opinions of lawmakers in debates. Furthermore, the constructed discourse does not conceal or hide power relations in play. It contributes to and perpetuates the public discourse of refugees and asylum seekers as economic immigrants, seeking to justify political measures limiting access to

the country. Whereas principles of human rights such as protection of refugees and the need for creating awareness for their rights are acknowledged, delegates draw much more frequently on traditional theories of citizenship in order to create distance from undeserving economic migrants and asylum seekers abusing the asylum system. Any mention of integration or even naturalization is disparaged and policies to further limit the integration of refugees and asylum seekers are regularly called for. Delegates do not support refugees' and asylum seekers' rights in an active way and emphasize the state's obligation not to deprive its residents of their rights, opposing ideas of human rights which advocates for equal rights for everyone.

Even though refugees and asylum seekers are legally entitled to various benefits and access to institutions, these rights are substantively limited by state practice, which is shaped and influenced by the on-going discourse. The state thus violates its obligations not to act in a way to deprive its residents in realizing their rights. The negative implications created in the discourse are mirrored in current practices such as the refugees' and asylum seekers' right to proper documentation and their realization of socio-economic rights. A limited access to enabling documentation coupled with their permanent dependence on the DHA's verification of permits in order to enjoy access to social grants or the right to banking severely limit their legal entitlements. Developments like the smart card with its exclusion of everyone but citizens, as well as the delinking of permanent residence from the number of years spent in South Africa, will further grow the distinction between refugees, asylum seekers and citizens.

Even though a direct link between the delegates' discourse and the departments' practices might not be obvious, their actions determine the direction of the discourse and are likewise influenced by the discourse. Specifically the DHA's neglect of its legal obligations and a timely deliverance of services might stem from underlying convictions of an abuse of the asylum system, the exploitation of the country's limited capacities and the need for actions upholding the rights of citizens as distinct from foreign nationals.



The extension of rights to refugees and asylum seekers might therefore amount to a mere procedural form of inclusion if not continually monitored and advocated for by rights organizations and confirmed by court procedures. As Fairclough emphasizes, groups possess power to enact change and resist power. NGOs have taken on these challenges by advocating for migrants' rights, which have regularly been affirmed by favorable court rulings.

Additional research is necessary in order to determine the dimension of refugees' and asylum seekers' hindrances in practicing their rights, especially in light of asylum seekers' inability to open bank accounts or the national roll-out of the smart card and its effect on refugees' and asylum seekers' access to vital services such as hospitals or financial institutions. Furthermore, in accordance with Fairclough, it is crucial to explore how identified obstacles can be overcome, and in how far the subjects of the discourse, refugees and asylum seekers, oppose or criticize the discourse. It might be useful also investigate similarities and deviations from the discourse produced in South Africa compared to discourses produced in European countries.

While further research will shed light on present practices and contribute to the revealing of patterns of oppression and social injustice, these theoretical findings must lead to actions by civil society and practitioners of the social work profession in order to uphold and realize legal entitlements for disadvantaged social groups, and to promote social change enhancing the well-being of every human being.

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# 11 Appendix

a) Overview of Portfolio Committee Meetings chosen for analysis:

<b>Date</b>	<b>Theme</b>	<b>Committee</b>
27.02.12	Department of Home Affairs 3rd quarter 2011 performance report	DHA
28.02.12	Department of Social Development: Impact of State of Nation Address, Committee Report adoption	DSD
05.03.12	Deputy Minister & Department of Home Affairs: Large ICT projects Progress reports, Committee Report adoption	DHA
06.03.12	Department of Social Development on its international relations	DSD
18.04.12	SA Social Security Agency & National Development Agency: Strategic & Annual Plans 2012	DSD
22.05.12	State of Ports of Entry and Refugee Reception Offices	DHA
06.06.12	SASSA re-registration process: SASSA briefing; Zero Hunger Campaign: DSD briefing	Social Services
31.07.12	Provincial Home Affairs Performance Reports, 1st quarter 2012: Limpopo, Gauteng, Mpumalanga	DHA
01.08.12	Provincial Home Affairs Performance Reports, 1st quarter 2012: Western Cape, Northern Cape & Eastern Cape	DHA
02.08.12	Provincial Home Affairs Performance Reports, 1st quarter 2012: Free State, North West, KwaZulu-Natal	DHA
14.08.12	Duplicate IDs, Uncollected IDs, Residence Permit backlog, Initial Permit Transformation Plan: progress report by Home Affairs	DHA
28.08.12	Department of Home Affairs on 1st Quarter 2012 Performance	DHA
11.09.12	Grants for refugees: Home Affairs contribution to preparations for provision of grants	Social Services
18.09.12	Security Improvements, fraud detection and prevention and online verification of identity: Home Affairs briefing	DHA

16.10.12	<b>Discussion of the Budgetary Review and Recommendations Report (BRRR) by the Portfolio Committee on Home Affairs</b>	DHA
30.10.12	<b>South African Social Services Agency Re-registration Progress &amp; Annual Report 2011/12</b>	DSD
13.11.12	<b>Information and Communication Technology Modernization in Department of Home Affairs; Report on oversight trip to KwaZulu-Natal</b>	DHA
20.11.12	<b>South African Social Security Agency Annual Report 2012, in presence of Minister</b>	Social Services
20.11.12	<b>Department of Home Affairs 2nd Quarter Expenditure Review</b>	DHA

b) Table of Interviewees

	<b>Date of Interview</b>	<b>Age</b>	<b>Sex</b>	<b>Status</b>
<b>A</b>	12.11.12	42	M	Refugee
<b>B</b>	27.11.12	34	F	Refugee
<b>C1</b>	28.11.12	33	M	Asylum seeker
<b>C2</b>	28.11.12	25	M	Asylum seeker
<b>D</b>	29.11.12	35	F	Refugee
<b>E</b>	04.12.12	28	M	Asylum Seeker
<b>F</b>	05.12.12	27	M	Asylum Seeker