



New Beginnings at the DHA

1. Introduction

The Department of Home Affairs (DHA) was given a new Minister in the Government of National Unity, Dr Leon Schreiber, a member of the Democratic Alliance.¹ It is of course not the first time that this portfolio has been held by a Minister outside of the ANC. For ten years Prince Mangosuthu Buthelezi of the IFP was Minister of the same department.² Dr Schreiber inherits a department that has come in for much criticism over the years for its failure to provide timely services, its administrative weaknesses, and an ever increasing exclusive, restrictive policy with regard to foreign nationals. In many ways this move towards negativity with regard to foreign nationals reflects the sentiments of populist movements in South Africa and not a few governments and groups around the world.

2. The 2024 Elections and Anti-immigrant Sentiments

In the recent elections it was estimated that immigration and undocumented foreign nationals ranked as among the four or five most contentious issues for voters.³ Parties which espoused strong views on this issue did reasonably well in the elections. The Patriotic Alliance, which is perhaps the most vociferous anti-immigration party, won nine seats⁴ and Action SA, with similar views, won six seats in the National Assembly.⁵ Together they captured 3.9 per cent⁶ of the national vote, and with a combined 15 seats they have the capacity to amplify anti-immigrant sentiment in Parliament. It is also worrying that such sentiments will have champions in influential places in government. Among the many troubling aspects of this reality is the permission that it will offer other hitherto closet champions of the same ideas to add their voices, publicly, in support of such ideas, and

thereby potentially begin a process of legitimising such ideas and words.

The anti-immigrant overtures have impacted most on the policy issues associated with the DHA, finding expression in myriad policy proposals, regulations, directives and legislation. It has also been one of the areas which has most often landed in court; the cases of the Zimbabwe and Lesotho Exemption Permits are two such prominent matters. Dr Schreiber will thus inherit not only a difficult department, but will inevitably be drawn into what is at times a toxic policy environment. His job will not be easy, and it will be further complicated by the fact that some of the worst utterances have come from people like Mr Gayton McKenzie, who is now a Cabinet colleague as Minister of Sports, Arts and Culture. Mr McKenzie, as an influencer in the direction of exclusion and anti-immigrant sentiment, has already emerged as a contentious figure since his election to Parliament and Cabinet.

3. Minister McKenzie and ZEPHA

The new GNU had scarcely been sworn in, and the first Cabinet meeting had not taken place, when already one Minister – Mr McKenzie – was facing charges. This occurred when charges of ‘incitement to xenophobic violence’ were laid against him at the Sandton Police Station by Adv Simba Chitando on behalf of the Zimbabwean Exemption Permit Holders Association (ZEPHA).⁷

The core of the charges relates to comments by Mr McKenzie around the issue of foreigners overburdening the health system. He is on record as having told eNCA, “If there is a South African, a Zimbabwean and Mozambican patient on oxygen and I see a South African patient born and bred in South Africa, I will turn the oxygen off so that the South African can live.”⁸ ZEPHA said in its charges that “McKenzie intentionally

for political reasons communicated his desire to harm foreign nationals receiving treatment in South African hospitals in a manner that could cause their death, in public broadcasts on national television.”⁹ It must be said that these utterances are in line with a long tradition and public expression of such sentiments. In November 2023, at the celebration of the Patriotic Alliance’s 10th birthday, he made similar statements. He said, “The devil sent other devils here to sell drugs to our children, to take the jobs of our children. They are going to go home, ‘*mabhambe*’ (they must leave). We don’t want illegal foreigners here.”¹⁰ He added rather ominously: “After we have been sworn-in, I am going straight to the Rahima Moosa Hospital where we are going to switch off the oxygen of illegal foreigners.”¹¹

In his campaigning Mr Mc Kenzie also promised that his party would “utilize military personnel to assist the Department of Home Affairs in mass deportation efforts, to prevent deported illegal foreigners from re-entering South Africa.” And when Mr McKenzie became Mayor of the Central Karoo he promised to make the municipality an “illegal foreigner-free zone.”¹² In 2023, Section 27 and other groups condemned comments made by Mr McKenzie on denying the children of illegal foreign nationals access to basic education, even though this right is enshrined in the Constitution and has been upheld by the Courts.¹³

In the light of this solid record of xenophobic comments and what some have denounced as hate speech, ZEPHA concludes: “For the above reasons, there is overwhelming evidence that McKenzie MP is guilty of the criminal offences of incitement to violence, hate speech and intimidation which are serious criminal offences. We want SAPS and the NPA to take lawful action against McKenzie for his xenophobic and hate speech comments which amount to an incitement to violence. Failure to do so would be in breach of the United Nations Durban Declaration against Racism and Xenophobia. It would also violate domestic legislation and the Constitution.”¹⁴

In response to ZEPHA’s actions, Mr McKenzie replied on X, “He [Chitando] is smart because he has very good reason to be concerned about my inclusion in cabinet. I would rather walk away than forget my main mandate, which is mass deportation. Parliament will know our chant ‘*Abahambe*’, they must go.”¹⁵

4. Not Alone

Mr Mc Kenzie is not the only senior politician to have expressed strong xenophobic sentiments, and to have reaped political rewards. Recently the MEC for Health in Limpopo, Dr Phopi Ramathuba publicly berated a Zimbabwean patient in a hospital ward on finding out that she was Shona-speaking. She told the woman that she was working with a budget and that foreigners were killing ‘her’ health system,¹⁶ accusing the Zimbabwean of coming to South Africa just for treatment, rather than staying in Zimbabwe.¹⁷ In the tirade she claimed that foreign nationals were overburdening the healthcare system. She later explained that clinicians simply dealt with patients and didn’t know what their status in South Africa was. This led to stories being circulated outside of South Africa that medical support was free and available, causing backlogs and depriving South Africans of services to which they were constitutionally entitled. This incident went viral, and Dr Ramathuba was reprimanded by the Health Professions Council of South Africa.¹⁸ However, after the May 2024 elections Dr Ramathuba was elected Premier of Limpopo.¹⁹

5. The Power of Words

What is important in all of this is the real fear that words uttered by those who enjoy powerful positions, who are set up as public figures and are thus worthy of emulation, have the power to shape reality. Abraham Joshua Herschel, the Jewish thinker and public intellectual, wrote very tellingly that “Speech has power. Words do not fade. What starts out as a sound ends up as a deed.”²⁰ In a country where xenophobia is a default position and scapegoating is a long standing tactic for covering over incompetence, broken systems and stale ideas, the use of incendiary words and hostile actions against foreigners is a very dangerous tendency.

Of interest to our situation, Stephanie Benjamin writes: “A recent upsurge of populism in politics also upholds itself through the role of words to influence. Populist leaders use words, metaphors and symbols for mass appeal. Their language and use of words help them to portray themselves as the only hope for people agonised by the miseries of the status quo.”²¹

6. Dr Schreiber’s Framing Remarks

Dr Schreiber has, in his very first days in office,

made some tentative soundings with regard to this contested area. Concerning visas he has admitted, “the visa issue is one of the many priorities we need to tackle in this department. The processing of visas can serve as an economic catalyst for South Africa. It will help in places where we have scarce skills or people with exceptional skills but also in the day to day operations.”²²

On the vexed issue of the Zimbabwe Exemption Permits, the Minister noted that the matter is not clear cut and that he will need time to look at the processes and missteps which have marked it. “We have to approach all of these things on the basis of what our Constitution tells us. The courts have spoken in a particular way in which this matter has been handled. The fundamental point to make is that we must uphold the law.”²³ He went on to say that “South Africa must differentiate between ZEP holders who have contributed their skills to the country and those who have undermined the system.”²⁴ He also pointed to the fact that the international community expected South Africa to play its role in managing international migration. On this important issue the Minister noted, “that’s something I will have to take on urgently with the

international community. They’re expecting South Africa to step up to our responsibilities when it comes to migration. We are one of the biggest recipients of migration, including from neighbouring countries like Zimbabwe, and they must surely come to the party to help South Africa do that.”²⁵

7. Conclusion

The old spectres relating to the toxic mix of xenophobia, afrophobia, ant-immigrant sentiment and exclusivity which have crept stealthily into the thinking and policies of the DHA still overshadow much of its praxis. The great fear that these sentiments will gain leverage and be normalised, is intensified as people and parties holding such views gain senior political positions which give them access to the media and allow them to weave their beliefs into discussions and policies. In this regard words matter, and there needs to be vigilance around the words to which we give approbation in the public domain. The new Minister of Home Affairs has the opportunity to exorcise these ghosts and to offer an unbiased platform for those seeking the services of DHA. For the sake of the most vulnerable we must indeed hope that this is a new dawn.

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¹ <https://www.news24.com/news24/opinions/analysis/saturday-profile-sas-youngest-home-affairs-minister-leon-schreiber-is-all-about-the-energy-20240706>

² <https://www.bbc.com/news/world-africa-66308185>

³ <https://www.businesslive.co.za/fm/features/2023-11-16-is-south-africa-heading-for-an-immigration-election/>

⁴ https://www.google.com/search?sca_esv=5253a18b766cf5c0&sca_upv=1&q=How+many+seats+does+PA+have%3F&sa=X&ved=2ahUKEwiuufHLn5WHAXUSUkEAHazPAN4Qzmd6BAGTEAY&biw=1055&bih=566&dpr=1.5

⁵ <https://www.parliament.gov.za/national-assembly>

⁶ <https://www.parliament.gov.za/national-assembly>

⁷ <https://www.moneyweb.co.za/news/south-africa/group-lodges-hate-speech-criminal-complaint-against-gayton-mckenzie/gayton-mckenzie/>

⁸ <https://www.moneyweb.co.za/news/south-africa/group-lodges-hate-speech-criminal-complaint-against-gayton-mckenzie/gayton-mckenzie/>

⁹ <https://www.moneyweb.co.za/news/south-africa/group-lodges-hate-speech-criminal-complaint-against-gayton-mckenzie/>

- ¹⁰ <https://www.iol.co.za/news/politics/political-analyst-slams-patriotic-alliance-for-anti-foreigner-comments-at-birthday-rally-49fed07e-9313-4ab8-b71d-55a44b12ff71>
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- ¹⁸ https://www.timeslive.co.za/news/south-africa/2023-02-11-health-council-slams-mec-ramathuba-for-berating-zimbabwean-patient/#google_vignette
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- ²² <https://www.citizen.co.za/news/home-affairs-minister-review-zep-system/>
- ²³ <https://www.africaninsider.com/politics/schreiber-outlines-plans-to-restore-dignity-to-home-affairs-department/>
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