

Green Paper on international migration

We're not making it easy to attract critical skills.

By **Julian Pokroy**

I have written extensively in *HR Future* about "global village" tendencies and developments in respect of skilled migrants. In terms of international best practice, immigration policies of countries,

The Green Paper on International Migration was published in the middle of 2016. The closing date for input from stakeholders was the end of September 2016.

The Green Paper was published for comment by stakeholders, and after all comment and input has been processed, will ostensibly be reworked and ultimately will be consolidated into a White Paper where a further opportunity will be given for stakeholder input before the finalised White Paper is put to Cabinet for approval.

Once the White Paper has been finalised, the next phase will be, bearing in mind the policy changes, to embody them in a draft Bill, which could conceivably change the face of our Immigration Law regime.

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As soon as it becomes clearer and more apparent as to which direction the Green and White Papers will take South Africa's Immigration Law scenario, then a series of articles will cover the directional changes.

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especially those with skill shortages, should be facilitating the movement of skilled foreigners and indeed investors.

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In the boom leading up to the Soccer World Cup, the construction of new power stations and the Gautrain development, skilled foreigners were

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accommodated in an incredibly friendly manner and with facilitated work visas. Most of these migratory skills resulted in the holders of those visas returning home or peddling their skills where elsewhere needed.

With the 2014 amendments to the Immigration Act, the quota category of work visa was abolished as was the exceptional skills work visa and this was replaced with a critical skills visa.

The Green Paper proposes retaining the critical skills levels of visas but on a much tighter control.

One of the theories propagated and indeed embodied in the Green Paper is that South Africa should be looking to other African countries to source their critical skills. This flies in the face of numerous protocols, by way of example in respect of health professionals, where agreements exist with other African countries not to "poach" such skills. However,

the reality of the global village movement of skills is to an extent ignored in the premise set out in the Green Paper.

The harsh realities of skills shortages are coming home to roost at this time and it is my belief that we should be opening our doors to skilled foreigners and investors.

A further element which is of some concern relates to the "securitisation" of our Immigration Laws and this ties in with this aspect being brought into our Refugee Laws as well.

Whilst national security must always remain a priority, practicalities on the ground must also be considered. One of these is that South Africa has thousands of kilometres of unmonitored, unprotected and "easy to cross" borders. Where there is a will there is a way and nothing could be easier than transiting porous borders. Other ways are going to be necessary in order to stem the flow of cross-border migration in this fashion.

Dispensations should be looked at, as has indeed been done to a limited degree in respect of migrant labour from our neighbouring countries and the facilitation thereof.

I served on the first Immigration Advisory Board to the Minister of Home Affairs from 2003, when it came into existence, for a four year term and during that period I recall that the SADC protocol on the movement of people was being opted at that time.

Nearly two decades have passed and this document has to the best of my knowledge never seen the light of day.

It appears that South African universities are producing skills in various disciplines that are not "critical, as defined in the Immigration laws and, in the case of professional engineers, the position becomes far more complex as South Africa is competing for the skills of engineers worldwide and many young South Africans who qualify as engineers locally are migrating to other pastures in order to ply their skills and their professions.

This article has specifically not dealt with some of the "nitty gritty" issues but has rather dealt with a few that are rather important in this context. ■

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