

Categories and Criminality: How Police Claims about Immigrants and Crime are Misleading

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Over the past two days, the police minister has made a number of highly publicised statements to the South African parliament regarding immigrants' contribution to criminality across South Africa. Without denying that some foreigners undertake activities classified as criminal, the mode of data collection and classification is misleading. Most important, the causal inference and underlying argument – that immigration leads to increased crime – is fundamentally unsubstantiated by the statistics presented. As such, claims that arresting and deporting immigrants will reduce crime are merely designed to bolster legitimacy and detract attention from broader structural and institutional problems. The following points explain why the Minister's statements should be approached with considerable scepticism.

“Influx of undocumented foreign nationals”

According to News24, the minister stated that the “influx of undocumented foreign nationals” remains a serious issue in South Africa. Comments such as these are ill-informed and misleading. Realistic estimates based on triangulation from a variety of data sources indicate that around 2 to 3 million non-nationals currently live in the country (including documented and undocumented migrants as well as refugees and asylum seekers). Many of these have lived here for decades and, in fact, many are naturalised citizens or South Africans born in exile. Moreover, while serious violence and organised crime has increased in South Africa for the third year in a row, there is no evidence that migration has increased substantially over that period. Given the small percentage of the population that is foreign born, it is implausible that they are responsible for a significant percentage of crime in the country.

It is worth noting that global research suggests that first-generation immigrants participate in crime far less than 'native born' citizens. There is no reason to believe that South Africa breaks from this trend. Despite being available, the SAPS do not release information on the victims and perpetrators of crime (including their

age, gender and nationalities) to the public and we cannot know exactly who is contributing to crime in South Africa.

Distortion of statistics by targeting non-nationals

Police minister Nhleko's comments on the "influx of undocumented foreign nationals" and a spike in certain crimes in the areas where there is a large number of these individuals greatly distort the crime figures. They do this for a number of reasons:

- *There may be a correlation, not causation.* It may be true that the areas occupied by foreigners have higher crime rates. However, it is likely that many poor immigrants are attracted to crime-ridden and potentially undesirable areas because this is where they can afford to live. Crime in these spaces can not, therefore, be attributed to foreigners simply because they live in these areas. Under the same logic, 'the poor' are generally responsible for crime.
- *Targeting foreigners distorts statistics.* Following the April 'xenophobic violence', the SAPS launched 'Operation Fiela', ostensibly as a broad, anti-crime drive. While few would dispute the need for enhanced interventions to make South Africa safe, Operation Fiela has been criticised for disproportionately targeting foreigners and challenged in court as unlawful and unconstitutional by Lawyers for Human Rights. As such, the arrest statistics on foreigners are grossly distorted. To illustrate this distortion, if, for example, the SAPS had specifically targeted women for arrests and investigation, we would also have seen a dramatic statistical increase in the number of women arrested for crime. The figures referred to by the police minister and commissioner on the involvement of foreign nationals in crime are based on arrests that disproportionately targeted foreigners. Not only may these arrests be unconstitutional, the data they generate are deeply flawed.

Victimisation of foreign nationals

While the minister and commissioner focused on the criminality of foreign nationals in South Africa, they neglected to mention that foreigners are regularly subjected to violence and victimisation. Apart from the large-scale outbursts of violence against foreign nationals in 2008 and 2015, research conducted by the African Centre for Migration and Society shows that indiscriminate mob violence continues to occur in particular areas across the country, as do isolated attacks on individuals and small groups of foreign nationals. The government and SAPS choose not to officially record crimes targeting foreign nationals and there is, therefore, no official data on the extent of 'xenophobic' violence in South Africa. Consequently, this phenomenon is undercounted in South Africa and cannot be properly understood at the moment. In order to develop effective crime prevention strategies, there is an urgent need for more reliable crime data, including on anti-foreigner violence.