

# Chapter 11

## Conceptualising Second Generation Immigrants in South Africa: The Experiences of Nigerian Second Generation Immigrants



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### 11.1 Introduction

Immigration to South Africa accelerated after the collapse of apartheid in 1994. Since then, many migrants from African countries arrived for the purposes of seeking a better life in the country (Ogujiuba et al., 2019). Some of them arrived with young children and some have had children in the country after arrival. While most studies (Mahati, 2015; Palmary, 2009) have focused on the experiences and rights of children who cross borders from neighbouring countries to South Africa as refugee and unaccompanied migrant children, very few studies have been done on children who are born in the country to immigrants (second generation). As such, there is limited understanding about this group of children in the South African context.

Some scholars writing about the second generation in the Global South have drawn their understanding of the term from a body of literature emanating from the Global North (Montero-Sieburth, 2018; Onukogu, 2018; Bartlett, 2012). Very little by way of conceptualising the second generation from a Global South perspective has been done. Rather, what exists is a wealth of research on refugee and migrant children (Anderson et al., 2017; Mahati, 2015; CERT, 2012). The few studies on the second generation have often adopted the definitions generated by American demographers and researchers based on western immigration laws and integration policies. Among United States of America (US) demographers for instance, second generation refers to US-born children whose parents immigrated to the United States (Suarez-Orosco et al., 2016). Crul et al. (2012) used the term to refer to children born in European countries to immigrants. Understanding second generation in the above sense indicates that they are second generation by virtue of *their being born in the host country*, and are therefore not regarded as immigrants. However, researchers such as Rumbaut (2004) and Zhou (1997) extended the term to include

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children of immigrants who were born in the host country and *foreign-born children who migrated with their parents at an early age*. The latter definition highlights the importance of age or life stage at migration in understanding second generation immigrants.

This chapter will contribute to the literature on second generation immigrants in the Global South by taking into consideration the migration laws and the peculiar circumstances of immigrants and their offspring in the South African context. In South Africa, children of immigrants are called different things such as migrant children, refugee children (Anderson et al., 2017; UNICEF, 2016; CERT, 2012), or, generally, immigrant children (IOM, 2011). No attempt has been made at a conceptualisation of second generation from the place of birth or age at migration in the South African context. Generally, there is a lumping together of all children of migration into one category called migrant children (CERT, 2012; Vandeyar & Vandeyar, 2011; Osman, 2009). This chapter aims to conceptualise second generation from a South African context. It will refer to the South African Citizenship Act and use experiences of children born to Nigerian immigrants to develop a typology of South African second generation immigrants.

The subsequent sections will discuss the extant literature on the definitions and experiences of immigrant children in South Africa. This is followed by an overview of the South African Citizenship Act as the context for the development of a South African perspective of second generation immigrants. The methodology is followed by the findings and discussion. The chapter closes with the observation that the South African second generation is much more than the US demographer's definition (US-born children of immigrants). A conceptualisation of South African second generation includes a wide range of children of immigrants delineated by their place of birth, age at migration, immigration status and access to citizenship rights.

## 11.2 Immigrant Children

In South Africa, a child is any person between the ages of 0 and 18 years (RSA, 1996a). The same definition is affirmed in the United Nations Convention on the Right of the Child (UN, 1989). Worldwide, about 31 million children have been estimated to embark on migration. The record shows that the number of children younger than 20 years of age who engaged in migration fell from 15% in 2013 to 14% in 2017 (UN, 2017; UNICEF, 2017). An estimated 10 million of these children across the globe are irregular, displaced and refugee children (UNICEF, 2017). The UNHCR's recent report, *Desperate Journeys* (UNHCR, 2019a), notes that about 80,800 people fleeing wars, terrorism, natural disasters, hunger and poverty from countries such as Afghanistan and Syria arrived in Europe by the Mediterranean route between January and September 2018. More than one quarter of this number were children travelling alone and unaccompanied by parents or adult family members (UNHCR, 2019b). In South Africa, the Save the Children/UNICEF programme

assists and provides shelter for hundreds of unaccompanied migrant children at the border town of Musina, most of whom are from Zimbabwe (UNICEF, 2016).

To conceptualise second generation in the Global South context, a clear distinction has to be made between different categories of immigrant children. Refugee children are children who were forced to leave their normal places of residence to move to another area (within or across borders) with or without their parents or an adult family member as a result of conflicts, natural disasters, or terrorism (IOM, 2011). The refugee children, like all refugees, are protected by the 1951 Convention relating to the status of refugees. Most recently, the New York Declaration for Refugees and Migrants (UN, 2016) recognises the need to protect those individuals who would not ordinarily fall under the strict definitions of the 1951 Refugee Convention.

Migrant children, on the other hand, are not necessarily affected by wars and conflicts. They constitute the group of children who migrate with parents or adult family members (Anderson et al., 2017; CERT, 2012). Some of them take the decision to cross the border to run away from hunger and poverty (UNICEF, 2016). This latter group are also called “independent migrant children” (Mahati, 2015: 1). Another group of migrant children are those who have been trafficked or lured into moving by criminal elements for the purposes of exploitation (UN, 2016; De Sas Kropiwnicki, 2010). Because migrant children often cross the border alone or with traffickers, they are mostly irregular and vulnerable to abuse and child labour, and are exposed to disease, poverty and all manner of discrimination and hardships in-transit and in the host country (Mahati, 2015; Health and Development Africa, 2011). The rights of all children, irrespective of place of residence, are protected by the United Nations’ Convention on the Rights of the Child (UNCRC) (UN, 1989).

The UNCRC requires state parties to follow the principles of non-discrimination (Article 2) in matters concerning children, migrant or non-migrant. For instance, the rights of all children to a primary and free education is specified in Article 28 of the UNCRC. In line with this requirement, Section 28 of Chapter 2 (the Bill of Rights) of the South African constitution (Act No. 108 of 1996) provides for the protection of children’s rights. Chapter 2, Section 29 (1) of the constitution states that “everyone has the right to a basic education, including adult education” (RSA, 1996a). This provision is affirmed in Chapter 2 (5) of the South African Schools Act No. 84 of 1996, which states that “a public school must admit learners and serve their educational requirements without unfairly discriminating in any way” (RSA, 1996b).

Earlier studies in South Africa (CERT, 2012; Palmay, 2009) found evidence of institutional abuse of the rights and privileges of refugee children to schooling, social and health services. These findings were supported by later studies (Anderson et al., 2017; Mahati, 2015) which found that many of the children faced structural discrimination from the host country in the form of arrest, detention, abuse, denial of school enrolment and proper documentation. It has also been established that they experience bullying, teasing and name calling from their local peers at school and in the host communities (Vandeyar & Vandeyar, 2011; Osman, 2009). These studies failed to take cognisance of the fact that some of the children were born in the country, and some came with their migrant parents as infants or in their early

childhood. This latter group of children is widely referred to in the literature as second generation (Rumbaut, 2004; Zhou, 1997).

The few researchers (Montero-Sieburth, 2018; Onukogu, 2018; Bartlett, 2012) who have focused on second generation children in South Africa and in the Global South have often borrowed the definitions of second generation used in the Global North (Rumbaut, 2004; Zhou, 1997). Prominent among them is Rumbaut's (2004) typology, defined according to place of birth, age and life stage at migration. The first generation immigrants, classified by Rumbaut (2004) as the 1.0 generation, are the foreign-born who migrated to a new country as adults. Examples are parents who take the first decision to move for specific reasons or adult children who migrate with or without their parents. Rumbaut classified children born in the host country as the 2.0 generation. The 2.0 generations are also referred to as the "true second-generations" (Zhou, 1997: 65). In the US, the 2.0 generations are US citizens by virtue of their being born in the country, irrespective of the parents' immigration status. This is because America practises the *jus soli* system of citizenship. The *jus soli* system grants automatic citizenship by place of birth to children born to immigrants in the US (Bloemraad & Graauw, 2011: 32). *Jus soli* (right of soil in Latin) is different from *jus sanguinis* (right of blood), which follows a parent-child derivative citizenship status (Collins, 2014: 2182), as practised in some European countries such as Germany.

Rumbaut (2004) classified another group of second generation as the 1.75 generations. These are children of immigrants who arrived in the host country with their parents as infants (ages 0–4). The 1.75 are similar to the 2.0 in characteristics such as experience, schooling, language, accent and culture. The main difference is that they are foreign-born and the 2.0 are not. Other classifications of foreign-born immigrants who arrived at later ages are 1.5 (later than age 4 but before adolescence) and 1.25 who arrived before adulthood (ages 13–17). The 1.5 and 1.25 generations are distinct from the 2.0 generations (true second generations) and the 1.75 because they acquired distinct language and cultural characteristics of their native country before arrival. Through the process of socialisation in the new environment, they become bicultural – retaining aspects of the old culture and acquiring aspects of the new culture (Zhou, 1997). The 1.5 and 1.25 in the classification do not qualify to be called first generations because they arrived with their parents as children (see RSA, 1996a; UN, 1989). However, like the 1.75, they are foreign-born second generations and do not have the same rights in America as the 2.0 generations, who are American citizens. They have to undergo an immigration process to acquire citizenship or regularise their stay in US. Like migrant and refugee children, they fall into the "vulnerable" group, and in some societies are faced with a number of risk factors such as exclusive policies, abuse, violation of their rights, language difficulties, and racial and ethnic discrimination (Capps et al., 2016).

While the definitions of second generation used in the Global North provide a starting point for understanding the concept of second generations, the South African context-specific conceptualisation of second generations in this chapter takes into consideration the country's immigration laws and Citizenship Act and the peculiar circumstances of immigrant children in South Africa.

### 11.3 The South African Context

The understanding of second generation in the South African context in this chapter is derived from the South African Citizenship Act No. 17 of 2010 (RSA, 2013). The act highlights who, when and how of citizenship acquisition by immigrant children. The different ways of acquiring citizenship specified in the act include citizenship by birth (Chapter 2, Section 3) and citizenship by naturalisation (Chapter 2, Section 4). In Chapter 2, Section 3(1a), citizenship by birth applies to “any person who immediately prior to the date of commencement of the South African Citizenship Amendment Act, 2010, was a South African citizen by birth”. Also, “any person who is born in or outside the Republic, one of his or her parents, at the time of his or her birth, being a South African citizen, shall be a South African citizen by birth [(Chapter 2, Section, (1b)]”.

Chapter 2, Section 3 (2), states that, “Any person born in the Republic of parents who have been admitted into the Republic for permanent residence and who is not a South African citizen, qualifies to be a South African citizen by birth, if – (a) he or she has lived in the Republic from the date of his or her birth to the date of becoming a major; and (b) his or her birth is registered in the Republic in accordance with the Births and Deaths Registration Act, 1992 (Act 51 of 1992). [S 2 subs by s 2 of Act 17 of 2010.]”.

On citizenship by naturalisation, Chapter 2, Section 4 (2) states: “Any child born in the Republic of parents who are not South African citizens or who have not been admitted into the Republic for permanent residence qualifies to apply for South African citizenship upon becoming a major if – (a) he or she has lived in the Republic from the date of his or her birth to the date of becoming a major; and (b) his or her birth has been registered in accordance with the provisions of the Births and Deaths Registration Act, 1992 (Act 51 of 1992). [S 4 am by s 3 of Act 69 of 1997; subs by s 4 of Act 17 of 2010]”.

### 11.4 A South African Perspective of Second Generation Immigrants

Considering the South African Citizenship Act No. 17 of 2010 (RSA, 2013), two groups of Rumbaut’s 2.0 second-generations can be identified. The first group are those born to naturalised residents or to one foreign-born parent. This group of children are South African citizens by birth and have an advantageous position at birth with regard to rights vis-à-vis their counterparts born to temporary, permanent-resident or undocumented immigrants (see Chapter 2, Section 3(1a) of the Citizenship Act). They are similar to the 2.0 second-generation in the US who enjoy full American citizenship because of the *jus soli* system of citizenship. The second group are those born in the country to permanent, temporary or undocumented residents. These are non-citizens, or immigrants in the South African context. As

non-citizens, they have limited socio-economic, political, and educational rights, like their counterparts born outside the country (Rumbaut's 1.75, 1.5. and 1.25). Their access to rights changes when they turn 18 and are granted citizenship by birth if born to permanent residents (RSA, 2013: Chapter 2, Section 3 (2a; b)) or by naturalisation if born to temporary residents (RSA, 2013: Chapter 2, Section 4 (2a; b)). Applicable to the foreign-born children who migrated with their parents as temporary or permanent residents is Chapter 2, Section 5 of the act. Upon application for naturalisation by either their parents or when they become adults, this group of children will be issued a certificate of naturalisation (refer to the Citizenship Act No. 17 of 2010 for details).

It is understood from the provisions of the South African Citizenship Act above that an immigrant parent's citizenship or migration status at the time of a child's birth determines whether the child is a South African citizen or not. Citizenship at birth is differentiated by the type of birth certificate that is issued to the child. Children born to undocumented or temporary-resident immigrants receive a notice of birth filled in in black ink on form DHA B1-24, as opposed to the computer generated unabridged birth certificate with national identification number.

Using place of birth, the Citizenship Act reveals that both those born as citizens or non-citizens are 2.0 second-generations in Rumbaut's sense. But the second group (children born to temporary residents) differs in immigration status and access to rights and privileges from the first group (children born to permanent residents or naturalised residents). Generally, the South African second generations are different from refugee and migrant children by virtue of being born in the host country or having accompanied parents as young children. Unlike refugee children, they are not protected by the United Nations' Refugee Act of 1951. They are a distinct group of immigrant children whose rights are defined by the societal context they find themselves.

To understand the experiences of second generation in South Africa, the chapter draws from research on the identity and integration of second generation children of Nigerian immigrants living in Johannesburg. This is one of the few studies in South Africa that excluded independent migrant and refugee children.

## 11.5 Methodology

The study site was Johannesburg, the economic hub of South Africa. Johannesburg, known as the City of Gold, was established after the discovery of gold in the Witwatersrand in 1886. Since then, the city has grown into a metropolis and the largest city in South Africa. Johannesburg is the provincial capital of the Gauteng province and destination for migrants from Africa and across the globe because of its rich economic, political and cultural activities (Nuttall & Mbembe, 2008). The study adopted a qualitative semi-structured interview method. Participants were

recruited from three different ethnicities of Nigeria (Igbos, Yoruba and Orogbo) through snowball sampling (Edwards & Holland, 2013) from initial contacts made with friends and leaders of migrant ethnic associations. The main participants were grouped into four categories: second generation immigrants, parents, teachers and peers. A fifth group, comprising one representative from the Johannesburg Migrant Desk, was added to represent the state.

The second generation immigrants are called primary participants and the rest secondary participants. The main criteria for recruiting the second generation immigrants were as follows; they had to be children born to voluntary or economic migrants from Nigeria and not refugees or independent migrant children (Mahati, 2015); they were either born in South Africa, or foreign-born who arrived with one or both parents before they started primary school – that is, 2.0 and 1.75 generations respectively, according to Rumbaut (2004). They included boys and girls between the ages of 11 and 14 who were either in primary or high school. The total number of all participants was 38. The secondary participants allowed the researcher to triangulate the responses of the ten primary participants. The in-depth interviews of all the participants were carried out over a period of 1 year.

Ethical values for doing research with children were observed by first obtaining ethical clearance from the Faculty of Humanities Ethics Committee of the University of Johannesburg. Participant information sheets explaining the objectives of the study and the participants' rights were given to all the participants. Since the primary participants were less than 18 years of age, the consent of the parents was sought first before the children were approached for their assent. Interviews were conducted in safe environments after the researcher had taken time to explain their right to voluntary participation, confidentiality and anonymity. A distress protocol was in place for psychological interventions in case any child showed sign of emotional distress during the interview.

The data was analysed using thematic interpretive analysis. For this chapter, the primary participants (second generation immigrants) were grouped according to gender, place of birth, age at migration, immigration status, grade at school and type of school as well as experience at school. The responses were then analysed and interpreted. Only pseudonyms are used to represent the participants.

## 11.6 Findings

In this section, only the research questions and responses from the primary participants with regard to place of birth, age at migration, immigration/citizenship status and experiences at school are used. Overall, five boys and five girls aged 11–14 were interviewed.



### ***11.6.1 South African Second Generations by Place of Birth***

The participants were asked: “Where were you born?”

The responses revealed that Chinyere (female, 12, grade 7), Ike (male, 11, grade 6), Ibe (male, 13, grade 8), Ijere (male, 12, grade 8) and Oka (male, 14, grade 9) were born in South Africa. Those born outside South Africa are Biola (female, 12, grade 6), born in Atlanta, Georgia, US, while the rest – Stella (female, 13, grade 7), Cynthia (female 11, grade 6), Nnamdi (male, 12, grade 5) and Ego (female 13, grade 8) – were born in Nigeria.

Place of birth determines whether one is classified as 2.0 (Rumbaut, 2004) – according to Zhou (1997), true second generation. It also determines access to socio-economic, educational, and political rights in the host country (Suarez-Orosco et al., 2016). The finding shows that, going by the definitions of the American demographers and Crul et al. (2012), only Chinyere, Ike, Ibe, Ijere and Oka, who were born in South Africa, are second generations, and the rest are immigrants. However, being born in South Africa is not likely to grant them automatic citizenship rights like their American born counterparts. All the foreign-born immigrants who came before starting formal schooling are 1.75 second-generations in Rumbaut’s (2004) classification.

### ***11.6.2 Classifying Second Generation Immigrants by Age at Migration***

The foreign-born participants were asked: “At what age did you migrate to South Africa?”

Biola, who was born in the US, arrived at the age of three with her mother and two siblings. Stella came at the age of 4. Cynthia, who is Stella’s younger sister, was 2 years old when they came with their mother. Nnamdi arrived at the age of 6 with his mother and a younger brother. Ego came at the age of 6 with her mother and three older siblings. All the children except Biola came to join their fathers, who were already in South Africa. Biola, Stella and Cynthia started preschool in South Africa and Nnamdi and Ego, who arrived at age 6, started grade R, the grade before primary school. Although the age at migration for all the children born outside South Africa classifies them as 1.75 generation (Rumbaut, 2004), they also fall under Zhou’s (1997) true second generation. They all started formal schooling in South Africa, and are likely to acquire the linguistic, educational, behavioural and cultural characteristics of the host country like their counterparts who are South African born. Age at migration also determines whether a foreign-born immigrant is classified as second generation or first generation (Rumbaut, 2004; Zhou, 1997). The foreign-born immigrants in the study are second generations going by their ages at migration.



### ***11.6.3 Positioning South African Second Generations by Immigration Status***

In order to find out the current immigration statuses of the participants, they were asked: “What type of documentation do you have?”

Chinyere currently has permanent residence status through her parents, but at the time of her birth, her parents had a temporary residence permit. As such, she had to take up the parents’ citizenship at birth. The fact that the child born to temporary residents takes up the parents’ citizenship indicates that an aspect of the *jus sanguinis* system (Collins, 2014: 2182) is found in the South African system. However, the South African Citizenship Act specifies that Chinyere can apply for South African citizenship by naturalisation if she continues to live in the country until age 18 (see Chapter 2, Section 4 (2a; b) of the Citizenship Act No. 17 of 2010 (RSA, 2013)). The same applies to Ijere and Oka, who were born to temporary resident parents who have become permanent residents. Ike and Ibe were also born as temporary residents but have acquired citizenship by naturalisation after their parents acquired the certificate of naturalisation.

Although being born in South Africa makes these children 2.0 or true second generation in the American or European sense (Rumbaut, 2004; Zhou, 1997), they are regarded as foreigners or immigrants at birth. They will remain foreigners with limited rights and privileges until they turn 18, when they can apply for South African citizenship by naturalisation and not by birth. Their situation is not different from that of Biola who has South African permanent residence status. Biola was born to a US temporary resident, but she is a US citizen in the *jus soli* system, unlike her counterparts, born in South Africa. The finding shows that, at the time of the interview, the children born in South Africa to Nigerian immigrants do not have the same immigration status. Ike and Ibe are already South African citizens, while the rest have become permanent residents. The common ground is that they all depended upon their parent’s immigration status. All those born in Nigeria before migrating to South Africa will also follow their parents’ immigration status or take an individual route to citizenship when they become adults (Citizenship Act No. 17 of 2010, Chapter 2 Section 5).

## **11.7 Experiencing South African Schools as Second-Generation Immigrants**

The findings reveal both positive and negative experiences at school among the Nigerian second generation immigrants interviewed. The experiences were similar for all the children in different schools.

### **11.7.1 *Bullying***

The bullying experienced by the children was revealed when they responded to the question, “Have you been bullied at school?” Chinyere said, “Bullying is not good. I have not experienced physical bullying but mental abuse...They say ‘You are a Nigerian, what gives you the right to do that at school?’...” Biola responded, “Every single day from grade two to grade five... They say I have germs, when I touch anybody, they will start wiping their body, because am a Nigerian... don’t play with her, she is a Nigerian.”

Chinyere’s and Biola’s experiences of bullying show that, irrespective of where one is born or grew up, a second generation is always identified by the parent’s nationality. As such, acquiring the country’s citizenship may not stop their peers from treating them differently. The experience of bullying among immigrant children has been noted in earlier studies (Mendez et al., 2016; Vandeyar & Vandeyar, 2011; Osman, 2009).

### **11.7.2 *Perception of the School Environment***

In spite of the negative experiences of bullying from their peers, the children have a positive attitude towards their school and their teachers. Evidence of experience of equal treatment from teachers and an inclusive school environment is found in the response to the question, “How do you see your school?” Chinyere said, “I love my school” and Nnamdi said, “I feel that I am appreciated in that school.” To the question, “How do your teachers treat you?” both Stella and Cynthia replied, “Our teacher is kind; we are all treated equally by our teacher.” By treating the children equally, the school and the teachers adhere to the United Nations’ provision on the rights of the child as well as the South African Schools Act, which both specify the right of the child not to be discriminated against, exploited or abused.

On the down side, findings reported in previous studies (Bartlett, 2012; Crush & Tawodzera, 2011) confirm institutional abuse of the rights of children to education. Two of the participants (Stella and Nnamdi) also experienced denial of access to school at different times. Nnamdi was forced to register in a private school after he was denied enrolment in a public school. According to his mother, “I had to enrol my children in a private school because they refused to accept them in public school because they have no legal permit.” A follow-up revealed that Stella lost the first term of high school until she had produced a study permit. The evidence of a positive attitude towards their schools and teachers shows that once admitted, the children are treated equally at school.

A further indication of positive experiences at school was found in the network of friendship the children have established. Stella said, “I have many friends. Some of my friends are Taiwanese and South Africans. I have this one South African friend who says I am her only family, because I am always good to her. I make her

wipe her tears; I take her to the bathroom to wash her face.” Chinyere said, “Most of my friends at school are South Africans, Congolese, Ethiopians and Angolans... The entire school is my friend.” The ability to create and maintain a network of friends from different nationalities points to the individual characteristics of the children in navigating their school environment. The network of friends maintained by the second generations in this chapter contrasts with research by Ozdemir et al. (2018) and Plenty and Jonsson (2017), who found that children of international migrants experienced social isolation and rejection by their Swedish peers.

Participation in school sports also provided an opportunity for intercultural exchange with their peers. When asked “What sport do you play at school?” Biola replied, “I play tennis and netball at school.” Ike said, “I play soccer at school ... I was the captain for two times”, and Chinyere responded, “I play different sports. I run, play basketball and tennis.” The school provided the multicultural space and enabling environment for the children to harness their talents through sports and to use their personal characteristics to build friendships with children from different nationalities. The bullying and teasing experiences were counteracted not only by the individual’s positive self-identity but also by the inclusive school environment and positive teacher attitude.

## 11.8 Discussion

A South African perspective on second generation immigrants, based on the country’s immigration law and Citizenship Act, is the main contribution of this chapter. It draws from the experiences of Nigerian second generation to highlight the unique nature of South African second generation immigrants. The chapter reveals that, while the term second generation may be used in both the West and the Global South, it should be defined according to each country’s citizenship and immigration processes. This is echoed in the finding that the 2.0 generation (Rumbaut, 2004) and the concept of the “true second-generation” (Zhou, 1997), widely used in the literature, do not entirely accommodate the different groups of second generations found in South Africa. The 2.0 generation in the US context is a US-born citizen with equal rights and privileges under the *jus soli* system of citizenship. By contrast, a South African-born 2.0 generation may be born a citizen or a non-citizen (foreigner) depending on the parent’s immigration or citizenship status at the time of his or her birth. A child born under the parent’s temporary or permanent residence status will have to wait until 18 years of age before applying for citizenship by naturalisation or by birth. This means that, from the time of his or her birth, until the time the naturalisation process is through, he or she is a foreigner with limited access to education, social welfare, economic opportunities and political rights (Palmary, 2009). The question is, can South Africa be said to practise a *jus sanguinis* system instead?

The answer is yes and no. Yes, because South Africa recognises citizenship by descent for children born to one parent who is a South African citizen (RSA, 2013: Chapter 2, Section, (1b)). No, because, in the strict *jus sanguinis* system, there is no

option of citizenship by birthplace for children of immigrants (Collins, 2014: 2182). Since the Citizenship Act No. 17 of 2010 gives children born in South Africa to temporary and permanent residents the opportunity to become South African citizens later in life, what exists in this instance is what I call a “delayed *jus soli* system” and a “temporary *jus sanguinis* system.” The Citizenship Act is not clear on what happens to children born to undocumented parents. A South African concept of second generation in this chapter is one that takes into consideration the place of birth, age at migration, parent’s immigration status at the time of the child’s birth and the process of acquiring citizenship. Their unique characteristics set them apart from second generations in the US with regard to access to citizenship and socio-economic, educational and political rights.

South African second generations face educational, socioeconomic, and political integration challenges as a result of the country’s process of acquiring citizenship by naturalisation. There is evidence (Broughton, 2020; Meyer, 2020) that those who qualify for citizenship by naturalisation at the age of 18 if born to temporary residents, as stipulated in the Citizenship Act Chapter 2, Section 4 (2a; b) (RSA, 2013) are blatantly refused by the Department of Home Affairs (DHA). This is indicated in several court cases involving the DHA and those who have been disqualified from applying (Broughton, 2020; Meyer, 2020). In most of the hearings, the cases have been decided in favour of the children and in all the cases, the DHA had failed to heed the court decisions but instead continued to institute objections to the rulings (Broughton, 2020). An example is the ruling by the Constitutional Court (the highest court of the land) which overturned the objections of DHA to the ruling by two separate high courts in favour of five claimants represented by the Legal Resources Centre. In the ruling, the Minister of Home Affairs was instructed to accept the applications for citizenship of the five claimants and make decisions within 10 days (Meyer, 2020). To date, there has been no information about the department’s compliance with the Constitutional Court’s ruling. Instead, more and more second generations who qualify to apply for citizenship are denied the opportunity to apply on the grounds that their parents do not have current legal permits, and with the DHA claiming that there are no such forms available to cater for this category of second generation (Broughton, 2020). On the other hand, those who already have permanent residence and are considered for application often face delays in approval of their citizenship, with a lot depending on how a particular officer handling the application understands and interprets the act in terms of an individual case. A follow up shows that Chinyere, who already had a permanent residence permit, applied for citizenship in 2020 after turning 18 years old, but has not received any response from the department of Home Affairs more than one year later.

The denial of citizenship application or delay in the approval of citizenship for the second generation immigrants has educational, employment and political implications. Educationally, it means that the children will have to obtain study permits to pursue higher education as international students, and those of them from low income families may have to stay at home because they are not able to access the free education available to South African citizens from poor households (NSFAS, the National Student Financial Aid Scheme). At the same time, they will not be able

to secure employment as the employment act specifies that South African citizens should be prioritised before non-citizens (RSA, 2014). South African citizens are identified by the possession of a 13-digit barcoded identity document, and unless a second generation gets this document upon naturalisation, he or she remains a foreigner with no right to jobs, free education, or bursaries or political participation.

Denial of access to schooling, as reported in this chapter, amplifies the challenges that second generations face in accessing education even at primary or secondary school levels. Stella had to obtain a study permit to be enrolled in a high school. Nnamdi needed some kind of legal documentation to be enrolled in a public school. Stella and Nnamdi's experiences are similar to that of the child of a Rwandan asylum seeker who was refused enrolment without a study permit by the Western Cape Metro North Education District (Washinyira & Groundup, 2020). Like those who were denied applications for naturalisation, cases of denial of school enrolment to undocumented children that were brought to court have been decided in favour of the children. Yet, reports of instances where some schools have failed to comply for lack of proper communication from the Department of Education exist (Washinyira, 2020). In the Gauteng province, for instance, school principals complained that the department of education is insisting that all learners must be properly documented before registration. Proper documentation in this case is presentation of a study permit which many families are unable to get (Washinyira & Groundup, 2020). While the schools could be said to adhere to the institutional requirements for enrolment in schools by demanding legal documents, at the same time, the rights of the children to education as specified in the United Nations' Convention on the Rights of the Child (UN, 1989) and the South African constitution (RSA, 1996a) were violated. However, the children's reports of kindness and equal treatment from their teachers shows that the schools observed the children's right to equality, respect and dignity (RSA, 1996a) once they were admitted. The schools also provided spaces for intercultural exchanges through friendship networks and participation in school sports. Overall, the bullying experiences from the peers were neutralised by the positive atmosphere of the schools.

## 11.9 Conclusion

The chapter has conceptualised second generation in the South African context using the country's Citizenship Act No. 17 of 2010. Reference to the act highlights the unique characteristics and conditions of different groups of children born to immigrants. Whether or not one is a true second generation in the US sense depends on the parent's immigration status at the time of the child's birth. This chapter observes that South African second generation is not a uniform group, and as such, no single definition can accommodate all of them. A conceptualisation of South African second generation should take into consideration the place of birth, age at migration and parents' immigration status at the time of birth as well as the child's access to rights and privileges. While the Citizenship Act grants every second

generation born in the country the opportunity to become a South African citizen at some point in time, obtaining South African citizenship is a mammoth task for most second generations, the implication of which is continued inequality in education, employment and political participation, especially for children from poor immigrant homes, vis-à-vis their South African citizen counterparts.

The chapter recommends that, to avoid a chain of generational inequality and poverty in immigrant families, migration destinations in the global south should consider the *jus soli* system which grants children of immigrants citizenship by birthplace irrespective of the parents' immigration status, and easy access to the host's education, employment and political opportunities. Also, future research on the life courses and experiences of the different categories of second generations should be conducted to understand how they are able to navigate the challenges of acquiring the host's citizenship as well as their socioeconomic, educational and political participation.

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