

BINDURA UNIVERSITY OF SCIENCE EDUCATION
FACULTY OF SOCIAL SCIENCES AND HUMANITIES
DEPARTMENT OF PEACE AND GOVERNANCE



**ILLEGAL IMMIGRANTS AND THEIR IMPLICATIONS ON PENITENTIARY
PROTOCOL IN SADC: A COMPARATIVE ANALYSIS OF SOUTH AFRICA
CORRECTIONAL SERVICES AND ZIMBABWE PRISONS AND CORRECTIONAL
SERVICES**

By

(B232029B)

A Dissertation Submitted to the Department of Peace and Governance in partial fulfilment of
the requirements for the Master of International Relations

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DECLARATION

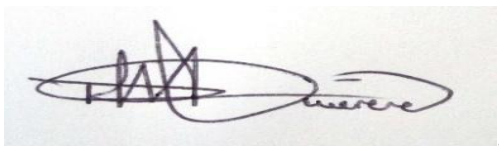
I, B232029B Shepherd Mpofu declare that “*An assessment of illegal immigrants and their implications on penitentiary protocol in SADC A comparative analysis of South Africa Correctional Services and Zimbabwe Prisons and Correctional Services (ZPCS)*” “is my original work that has not been published for any degree or masters’ programmes or examination in any other university. All the sources used or cited in this research have been indicated and acknowledged.

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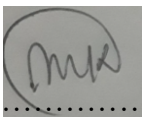
Date : 28 May 2025

Supervisor- Dr D. Makwerere

Signature :....

Date : 01 August 2025

Chairperson – Dr J Kurebwa

Signature :.....

Date :.....05/08/2025 ...

DEDICATION

I dedicate this dissertation to my family, friends, and colleagues, with heartfelt gratitude to my lovely wife Mebhi Mpofu, whose continuous encouragement and reminders to stay persistent have been a constant source of inspiration. I extend special thanks to the lawmakers of Zimbabwe and South Africa, the Zimbabwe Prisons and Correctional Services management, the South African Correctional Services management, Immigration management, and Voluntary Service Overseas management for their steadfast support throughout my studies. This research is also dedicated to my classmates, whose support and collaborative spirit motivated me to work diligently and pursue excellence during my time at university.

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LIST OF ABBREVIATIONS

SADC: Southern African Development Community

UNODC: United Nations Office on Drugs and Crime

UNHRS: United Nations Human Rights System

IIRIRA: Illegal Immigration Reform and Immigrant Responsibility Act

ICCPR: International Covenant on Civil and Political Rights

DHS: Department of Homeland Security

ICE: Immigration and Customs Enforcement

SAHRC: South African Human Rights Commission

SPSS: Statistical Package for the Social Sciences

HRW: Human Rights Watch

ZPCS: Zimbabwe Prisons and Correctional Services

SACS: South African Correctional Services

ABSTRACT

This study explores the impact of illegal immigration on penitentiary protocol within the Southern African Development Community (SADC) region, with a focus on a comparative analysis of South Africa's Correctional Services and Zimbabwe Prisons and Correctional Services (ZPCS). The research examines the challenges and implications that arise from the detention of illegal immigrants in the respective correctional systems, particularly in terms of operational efficiency, security, and legal compliance. The conceptual framework analysed the impact of illegal immigrants on penitentiary systems in SADC, focusing on prison management, resource allocation, and legal protocols through a comparative study of South Africa Correctional Services (SACS) and Zimbabwe Prisons and Correctional Services (ZPCS). It highlighted the challenges posed to correctional systems by immigration dynamics. Both countries have established legal frameworks aimed at protecting the rights of illegal immigrants, but the practical implementation of these frameworks is hindered by issues such as overcrowding, limited resources, insufficient staff training, and inadequate interagency cooperation. Through an exploratory mixed-method approach, including qualitative interviews with correctional officers and quantitative data on detention practices, the study highlighted the key differences and commonalities in the management of illegal immigrants from sampling of 200 participants within the two systems. Findings suggest that while South Africa's Correctional Services benefits from stronger legislative frameworks and better staff training, Zimbabwe's ZPCS struggles with resource constraints and a less-qualified workforce. The cooperation between Zimbabwe and South Africa in addressing migration challenges demonstrates both significant strengths and notable weaknesses. While the two countries have made strides in fostering bilateral agreements to manage migration and enhance security, disparities in policy implementation and resource allocation often undermine their efforts. Migration patterns, such as the East-South Channel from the Horn of Africa, the DRC, Malawi, and Zambia into South Africa, are primarily driven by economic disparities, political instability, and conflict in the region. These movements highlight the urgent need for a unified, region-wide approach to migration management that balances humanitarian considerations with security imperatives. The research emphasizes the need for improved policy implementation, better resource allocation, enhanced staff training, and stronger interagency collaboration to mitigate the adverse effects of illegal immigration on penitentiary systems in both countries. Ultimately, the study proposes recommendations for both nations to strengthen their correctional practices and improve the treatment and rehabilitation of illegal immigrants within their facilities.

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CHAPTER I

INTRODUCTION

1.1 Background to the study

The issue of illegal immigration poses significant challenges to penitentiary systems worldwide, with implications for both the management of detainees and the broader social fabric of nations. In the Southern African Development Community (SADC) region, the influx of illegal immigrants has placed considerable strain on the correctional services of member states, particularly in South Africa and Zimbabwe. These challenges are exacerbated by the complex socio-economic and political dynamics prevalent in the region. The comparative analysis of the South African Correctional Services (SACS) and the Zimbabwe Prisons and Correctional Services (ZPCS) provides valuable insights into how different systems address these issues and the effectiveness of their respective protocols.

South Africa, as one of the largest and most developed economies in Africa, has long been a destination for migrants seeking better economic opportunities. This influx has led to significant challenges within its correctional system, which has had to adapt to the rising numbers of undocumented detainees. The SACS faces pressures related to overcrowding, resource allocation, and security, which are further complicated by the legal and administrative complexities of managing illegal immigrants (South African Department of Correctional Services, 2023). In contrast, Zimbabwe, facing its own economic hardships and political instability, also grapples with the implications of illegal immigration on its penitentiary system. The ZPCS must manage similar issues of overcrowding and resource constraints, but within a different socio-economic context (Zimbabwe Prisons and Correctional Services, 2022).

Both the SACS and ZPCS have implemented various protocols to address the challenges posed by illegal immigrants. In South Africa, the correctional services has developed policies aimed at improving detention conditions and streamlining administrative processes related to undocumented detainees. However, these measures often fall short due to systemic issues such as limited funding and administrative inefficiencies (Smith & Dlamini, 2023). Meanwhile, Zimbabwe's approach has been influenced by its economic constraints and political environment, leading to different strategies and challenges in managing illegal immigrants within its prisons (Moyo, 2023).

The comparative analysis of these two systems is crucial for understanding the broader implications of illegal immigration on penitentiary protocols. By examining the similarities and differences in the approaches taken by the SACS and ZPCS, this research aims to identify best practices and potential areas for improvement. The analysis will contribute to a deeper understanding of how different correctional systems can better manage the challenges associated with illegal immigration and enhance their operational efficiency (Jones and Nkosi, 2024).

Understanding the impact of illegal immigration on penitentiary systems within the SADC region is essential for developing effective policy responses. The findings from this comparative study will offer valuable insights into the effectiveness of current protocols and the need for reforms. This research will inform policymakers and correctional administrators on best practices and strategies for improving the management of illegal immigrants within the correctional systems of South Africa and Zimbabwe (UNODC, 2024).

1.2 Statement of the problem

The research explores the impact of illegal immigration on penitentiary protocols within the Southern African Development Community (SADC) region, focusing on South Africa's Correctional Services and Zimbabwe's Prisons and Correctional Services. It examines how the influx of illegal immigrants disrupts operational efficiency, security, and the overall management of correctional facilities. Both nations grapple with severe challenges such as overcrowding, resource constraints, and difficulties in integrating foreign inmates into rehabilitation programs. By comparing the policies and practices employed in Zimbabwe and South Africa, the study evaluates their effectiveness, identifies limitations, and analyses the broader implications for regional penitentiary systems.

Efforts to address illegal immigration and its impacts on correctional services are guided by a range of international and regional frameworks. The United Nations Protocol Against the Smuggling of Migrants by Land, Sea, and Air (2000) established global standards by criminalizing migrant smuggling while emphasizing the protection of migrants' rights and enhancing border security. Regionally, the SADC Protocol on Extradition (2002) facilitated legal cooperation among member states, promoting the extradition of individuals involved in crimes linked to irregular migration. The SADC Protocol on the Facilitation of Movement of Persons (2005) further sought to balance free movement within the region with security concerns by streamlining visa processes, improving border management, and enabling safe

repatriation. Most recently, the African Union Migration Policy Framework for Africa (2018–2030) adopted a holistic approach, addressing irregular migration, emphasizing human rights, and encouraging regional collaboration to enhance institutional responses.

Despite these frameworks, Zimbabwe and South Africa continue to face significant challenges in managing migration within their correctional facilities. Zimbabwe Prisons and Correctional Services (ZPCS) houses about 22,000 inmates, exceeding its capacity of 17,820, with illegal immigrants from neighbouring countries like Mozambique, Malawi, and Somalia contributing to the strain. Similarly, South Africa’s correctional facilities, with over 150,000 inmates, are heavily burdened by foreign nationals, particularly from Zimbabwe, the Democratic Republic of Congo, and Somalia, often detained due to undocumented status or socio-economic offenses. These issues exacerbate resource constraints, healthcare demands, and cultural barriers in rehabilitation programs. Lengthy deportation processes further complicate the situation, underscoring the urgent need for improved cooperation within the SADC region to address the root causes of migration and alleviate the burden on correctional systems

1.3 Purpose of the study

The purpose of this study was to examine and compare the implications of illegal immigration on penitentiary protocols within the Southern African Development Community (SADC), with a focus on South Africa’s Correctional Services and Zimbabwe’s Prisons and Correctional Services.

1.4 Objectives of the study

- i. To analyse the legal frameworks governing the treatment of illegal immigrants within the penitentiary systems of South Africa and Zimbabwe.
- ii. How the detention of illegal immigrants impacts the resources, management, and operational efficiency of correctional facilities in both countries.
- iii. To explore the human rights implications of current practices and protocols related to illegal immigrants in the penitentiary systems, including issues of overcrowding, treatment, and legal protections.
- iv. Assess level of cooperation between ZPCS and SA Correctional Services within the framework of existing SADC protocols.

1.5 Research Questions

What are the key components of the legal frameworks governing the treatment of illegal immigrants within the penitentiary systems of South Africa and Zimbabwe?

How do the penitentiary protocols for handling illegal immigrants in South Africa and Zimbabwe compare in terms of their effectiveness and implementation?

In what ways does the detention of illegal immigrants affect the allocation and utilization of resources in correctional facilities in both South Africa and Zimbabwe?

What impact does the detention of illegal immigrants have on the operational efficiency and overall management of correctional facilities in South Africa and Zimbabwe?

What are the human rights implications of the current penitentiary practices for managing illegal immigrants in South Africa and Zimbabwe, particularly regarding overcrowding, treatment, and legal protections?

What are the main challenges faced by the correctional services in South Africa and Zimbabwe in managing illegal immigrant populations within their facilities?

What policy reforms are necessary to improve the treatment and management of illegal immigrants in South Africa and Zimbabwe's correctional systems?

Based on the comparative analysis, what recommendations can be made to improve penitentiary protocols and practices for managing illegal immigrants in both countries, particularly in line with SADC regional frameworks?

1.6 Significance of the study

The significance of this study lies in its potential to provide critical insights into how illegal immigration affects penitentiary systems within the Southern African Development Community (SADC) region, focusing on the correctional services of South Africa and Zimbabwe. By examining how each country handles the detention, management, and rehabilitation of illegal immigrants, the study offers a valuable opportunity to identify weaknesses, inefficiencies, and gaps in current legal and administrative frameworks. This analysis can lead to informed policy improvements that address the complexities of managing foreign nationals in correctional facilities, ensuring that immigration protocols are streamlined, effective, and in compliance with international standards.

Human rights considerations are central to the study's significance, particularly in highlighting differences in the treatment and conditions of illegal immigrants in detention. By comparing practices in South Africa and Zimbabwe, the research can draw attention to areas where human rights standards may not be fully adhered to, such as issues of overcrowding, inadequate healthcare, or lack of legal protection for detained immigrants. The study's findings can therefore advocate for reforms aimed at improving detention conditions and promoting more humane treatment of all prisoners, irrespective of their immigration status. This focus on human rights will contribute to broader efforts to align both countries' penitentiary systems with international human rights frameworks.

The study plays a crucial role in promoting more efficient resource allocation in correctional facilities in South Africa and Zimbabwe, both of which face persistent challenges with overcrowded prisons. The situation is further exacerbated by the presence of illegal immigrants, which places additional strain on already limited resources such as space, staffing, and funding. By conducting a comparative analysis of how each country addresses these issues, the research aims to identify effective strategies and best practices that can lead to improved management of overcrowding, better utilization of available resources, and enhanced operational efficiency within correctional services. This contribution is especially significant for policymakers and correctional administrators, as it provides evidence-based insights that can guide informed decision-making and the implementation of practical solutions to the resource and capacity challenges facing their institutions.

The study also offers insights into the importance of regional cooperation within SADC, particularly in addressing the challenges posed by illegal immigration. By examining the level of cooperation between Zimbabwe Prisons and Correctional Services (ZPCS) and South Africa's Correctional Services under existing regional frameworks, the research can highlight opportunities for greater alignment and harmonization of penitentiary practices. Regional cooperation can foster more effective handling of cross-border migration and reduce the burden on individual countries' correctional systems. These findings may encourage stronger collaboration, shared resources, and joint efforts to address the root causes of irregular migration in the SADC region.

The implications of the study extend beyond operational concerns, contributing to broader legal and social reforms. By analysing how both countries address the legal and social needs of illegal immigrants, the research can provide guidance for reform efforts aimed at reducing recidivism and improving reintegration strategies. This could lead to more effective

rehabilitation programs tailored to the specific needs of foreign nationals, enhancing their chances of successful reintegration into society. Furthermore, the study's findings could influence economic policy decisions, such as funding and budgeting for correctional services, by highlighting the financial implications of managing illegal immigrants in detention.

1.7 Scope of the Study (delimitations)

- i. **Geographical Focus:** This study will be limited to examining the implications of illegal immigration on penitentiary protocols within the Southern African Development Community (SADC), specifically focusing on South Africa and Zimbabwe. The analysis will exclude other SADC member states to maintain a manageable scope and depth.
- ii. **Institutional Focus:** The research will concentrate on two specific correctional institutions: the South African Correctional Services (SACS) and the Zimbabwe Prisons and Correctional Services (ZPCS). The study will not extend to other law enforcement or judicial bodies within these countries.
- iii. **Time Frame:** The study will analyse data and protocols from the past decade, from 2013 to 2023. This timeframe is chosen to capture recent developments and trends while ensuring the relevance and accuracy of the data.
- iv. **Subject Matter:** The focus will be on how illegal immigrants are managed within these penitentiary systems, including detention practices, legal processes, and rehabilitative measures. The study will not delve into the broader socioeconomic impacts of illegal immigration or explore issues beyond penitentiary protocols.
- v. **Data Sources:** The study will rely on publicly available reports, institutional records, and academic literature related to SACS and ZPCS. It will not involve primary data collection or interviews with current inmates or correctional staff.
- vi. **Comparative Analysis:** The research will compare the penitentiary protocols of SACS and ZPCS concerning illegal immigrants. It will not attempt to draw comparisons with other countries' systems or address the broader implications of these protocols outside the context of South Africa and Zimbabwe.

1.8 Assumption

These hypotheses can help guide your comparative analysis and exploration of how illegal immigrants affect penitentiary protocols in the two countries.

- The management of illegal immigrants in South Africa's correctional facilities is more structured and formalized compared to Zimbabwe's prisons due to the higher resources and infrastructure available in South Africa.”
- The high influx of illegal immigrants in South Africa's prisons leads to overcrowding and increased strain on resources, resulting in a higher incidence of human rights violations compared to Zimbabwean prisons.
- Differences in legal frameworks and policies regarding illegal immigrants between South Africa and Zimbabwe significantly impact the treatment and management of these individuals in their respective penitentiary systems.
- The presence of illegal immigrants in South Africa's correctional system contributes to a more diverse inmate population compared to Zimbabwe, which influences the nature and type of penitentiary protocols adopted in each country.

1.9 Limitations of the study

The study encounter limitations, including potential biases in self-reported data and constraints on resources for conducting comprehensive research in prisons. Language barrier on interviewing non-English-speaking illegal immigrants who are detained in Zimbabwe Prisons and correctional facilities. However, steps will be taken to address these challenges by employing rigorous sampling methods, meticulous data collection, and appropriate analytical approaches.

1.10 Definition of key terms

These definitions should help clarify the concepts involved in your comparative analysis of correctional services in South Africa and Zimbabwe concerning illegal immigrants.

- **Illegal Immigrants:** Individuals who enter or stay in a country without legal authorization or proper documentation. They have entered the country by crossing borders unlawfully, overstaying a visa, or violating terms of their legal entry.

- **Penitentiary Protocols:** The procedures, policies, and practices followed by correctional institutions in managing and treating inmates. This includes the legal framework, administrative guidelines, security measures, and rehabilitative programs.
- **Correctional Services:** Correctional services refer to the institutions and systems responsible for the management, rehabilitation, and reintegration of individuals who have been convicted of crimes. This includes facilities such as prisons, jails, and rehabilitation centres, as well as the staff and programs aimed at ensuring the secure confinement of inmates, while promoting their rehabilitation and eventual reintegration into society.
- **Illegal Migration:** Illegal migration refers to the movement of individuals across borders in violation of immigration laws, which may include entering, staying, or working in a country without the necessary legal authorization or documentation. This term encompasses both irregular migrations, where individuals enter a country without inspection or by avoiding official immigration controls, and situations where people overstay their visas or work without the required permits.
- **Penitentiary Protocols:** Penitentiary protocols are the established rules, procedures, and guidelines that govern the operation and management of correctional facilities. These protocols ensure that prison systems operate securely and efficiently while addressing the welfare of inmates, staff safety, rehabilitation efforts, and legal obligations, including the humane treatment of detainees.
- **Policies:** Policies are formalized plans or principles adopted by an organization or government to guide decision-making and actions in specific areas. In the context of correctional services and immigration, policies are the laws, regulations, and strategies that define how illegal immigrants should be managed, detained, and processed within the penal system, as well as how resources are allocated and human rights are protected.
- **Collaboration:** Collaboration refers to the process of working together with others to achieve a common goal. In the context of this research, collaboration involves the cooperation between different governmental agencies, organizations, or countries (such as South Africa and Zimbabwe) in addressing shared challenges like the management of illegal immigrants in the penitentiary systems, resource allocation, and policy development.
- **Effectiveness:** Effectiveness refers to the degree to which an action, program, or policy achieves its intended objectives or outcomes. In the context of correctional services, effectiveness would measure how well policies and protocols address issues such as

overcrowding, resource utilization, rehabilitation, and human rights for detainees, including illegal immigrants.

- **Threats:** Threats refer to potential dangers or risks that could cause harm or disruption. In the context of correctional services, threats may include security risks, such as violence or escapes from prisons, health risks, including the spread of diseases within overcrowded facilities, or socio-political threats, like the destabilizing effects of large numbers of illegal immigrants in detention. These threats challenge the capacity of correctional systems to function effectively and safely
- **Comparative Analysis:** The systematic examination of two or more entities to identify similarities and differences. In this context, it involves evaluating and contrasting the penitentiary protocols of South Africa and Zimbabwe in relation to their handling of illegal immigrants.
- **Correctional Facility:** An institution such as a prison or jail where individuals who have been convicted of crimes are held. It serves as a place for incarceration, rehabilitation, and sometimes, reformation.
- **Rehabilitation Programs:** Initiatives and interventions designed to prepare inmates for reintegration into society by addressing behavioural issues, providing education and vocational training, and fostering personal development.
- **Legal Framework:** The body of laws, regulations, and guidelines governing the operation of correctional services and the treatment of offenders, including illegal immigrants.
- **Security Measures:** Protocols and systems implemented to maintain safety and order within correctional facilities, including surveillance, controlled access, and monitoring of inmate behaviour.

1.11 Organization of the study

This thesis is structured into five chapters. The first chapter introduces the topic and outlines the problem at hand, along with the aims, methodology, and research questions. Chapter two offers a thorough review of the existing literature on vocational training initiatives in correctional settings, with a particular emphasis on organizational perspectives. Chapter three details the methodology used in this study, explaining the rationale for the selected methods and describing the data collection and analysis process. Chapter four presents the research findings, integrating insights obtained from the questionnaire and qualitative interviews.

Finally, chapter five concludes the study, discussing its implications for practice, policy, and future research directions.

1.12 Chapter Summary

Chapter 1 introduces the research topic on Illegal immigrants and their implications for penitentiary protocols within the Southern African Development Community (SADC), specifically focusing on a comparative analysis of South Africa's Correctional Services and Zimbabwe's Prisons and Correctional Services. The chapter outlines the research problem, emphasizing the growing issue of illegal immigration in the SADC region and its impact on correctional facilities. It highlights the challenges faced by both South African and Zimbabwean penitentiary systems in managing illegal immigrants, including overcrowding, resource strain, and security concerns.

The chapter also defines key terms and concepts, sets the scope of the comparative analysis, and presents the research objectives and questions. It underscores the significance of understanding these challenges to improve policy and practice in managing illegal immigrants within the penitentiary systems. The chapter concludes with an overview of the research methodology, including data sources and analytical approaches, setting the stage for a detailed examination in subsequent chapters.

CHAPTER II

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.1 Introduction

This chapter reviews literature on illegal immigration and its impact on penitentiary protocols, cascading from a global perspective to a regional focus within SADC, before zooming into the specific contexts of South Africa and Zimbabwe. Three theoretical frameworks will guide the analysis: the International Relations theory realism, World System theory and Liberalism in Migration Management, which contextualizes the global movement of people, and a correctional theory that provides insights into the management of penitentiaries under the strain of illegal immigration. The study aims to identify gaps in the existing literature to position the current research. This will aid in justifying the study.

2.2 Literature review

The management of illegal immigrants within penitentiary systems presents significant challenges to the correctional services of many nations. In the Southern African Development Community (SADC), two countries South Africa and Zimbabwe have been at the forefront of addressing these challenges due to their high numbers of illegal immigrants and strained correctional services. Illegal immigration affects penitentiary protocols, especially concerning overcrowding, resource allocation, and human rights violations. A comparative analysis of the South African Correctional Services (SACS) and Zimbabwe Prisons and Correctional Services (ZPCS) provides insight into the broader regional and international implications of managing illegal immigrants within the corrections system.

2.2.1 Global Perspective on Illegal Immigrants in Penitentiary Systems

Globally, illegal immigration presents a complex challenge for penitentiary systems, particularly in developed regions such as North America, Europe, and parts of Asia. This issue intersects with broader concerns of national security, human rights, and public policy, making the incarceration of undocumented immigrants a contentious subject across the world. Governments often turn to incarceration as a key element of immigration enforcement, which has led to significant overcrowding in prisons and detention centres. In the United States, immigration enforcement has become heavily intertwined with the criminal justice system.

Over the past two decades, policies have shifted toward a more punitive approach to handling undocumented immigrants. Laws such as the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) introduced mandatory detention for certain groups of immigrants, and subsequent administrations have expanded immigration enforcement capabilities. As noted by Golash-Boza (2020), the U.S. saw a dramatic increase in the detention and incarceration of undocumented immigrants due to enhanced enforcement efforts, particularly after the 9/11 attacks and the establishment of the Department of Homeland Security (DHS). Immigration detention centres, often run by private companies, are used to house immigrants awaiting deportation hearings or removal. These facilities have faced criticism for overcrowding, poor living conditions, and human rights abuses. In 2019, for instance, U.S. Immigration and Customs Enforcement (ICE) reported that nearly 40,000 people were held in detention centres on any given day, with some centres operating far beyond their intended capacity (Miller, 2021). The criminalization of immigration in the U.S. has also contributed to the blurring of lines between criminal justice and immigration enforcement. Many undocumented immigrants are incarcerated in federal and state prisons for immigration-related offenses, such as illegal re-entry after deportation, which further contributes to the burden on the U.S. prison system. Recent studies, including one by Esposito et al. (2022), indicate that stricter immigration policies have disproportionately impacted migrant communities, leading to an influx of immigrants into detention and correctional facilities.

In Europe, the issue of illegal immigration and its intersection with penitentiary systems has been similarly fraught. The European Union (EU) has experienced significant migratory pressures, particularly in the wake of conflicts in the Middle East, Africa, and Asia. Countries such as Italy, Greece, and Spain, which are on the frontlines of migrant entry points, have struggled with overcrowded detention centres and prisons as a result of the influx of asylum seekers and undocumented immigrants. According to Turnbull (2021), European immigration detention systems have faced substantial criticism, particularly regarding the treatment of detainees and the human rights implications of their incarceration. The European Union's approach to managing undocumented immigrants involves a combination of border controls, detention, and deportation. In countries like Greece and Italy, detention centres have become overcrowded due to the high volume of migrants arriving by sea. The European Commission (2020) reported that many of these facilities operate in poor conditions, lacking adequate healthcare, sanitation, and legal resources for detainees. Human rights organizations, including Amnesty International, have condemned these conditions, calling for reforms that prioritize the dignity and rights of migrants. Moreover, the Dublin Regulation, which requires asylum

seekers to apply for protection in the first EU country they enter, has led to a disproportionate burden on southern European countries. Many undocumented immigrants end up in long-term detention or are transferred between member states, exacerbating the already strained prison systems. In France and Germany, for example, migrants who overstay their visas or are caught without proper documentation are often incarcerated in immigrant detention facilities while awaiting deportation, further contributing to prison overcrowding (Tazzioli and Walters, 2021).

In Asia, several countries also face challenges in managing illegal immigrants within their prison systems. Countries like Malaysia, Thailand, and Japan have long been destinations for economic migrants from neighbouring countries, but these immigrants often find themselves in precarious legal situations. In Malaysia, for instance, a significant number of undocumented immigrants, particularly from Indonesia and Bangladesh, are detained in prison-like immigration depots. These facilities are frequently overcrowded and understaffed, with detainees enduring harsh conditions.

Japan, despite its relatively low number of immigrants, has also been criticized for its detention of undocumented migrants. As highlighted by Hoshino (2022), Japan's immigration detention centres operate with strict rules, and detainees often spend long periods in confinement due to the country's stringent immigration laws. Detainees in Japan's system have reported inadequate medical care and mental health services, and there have been cases of hunger strikes in protest against prolonged detention. Similarly, in Thailand, migrant workers from neighbouring Myanmar, Laos, and Cambodia who lack legal documentation are often subjected to detention in overcrowded prisons before being deported, raising concerns about human rights violations (Human Rights Watch, 2021).

2.2.2 Overarching Global Trends and Human Rights Concerns

A global trend in the management of illegal immigration has been the increasing use of prisons or detention centres to house undocumented immigrants, often in violation of international human rights standards. The United Nations High Commissioner for Refugees (UNHCR, 2020) has emphasized the need for alternative approaches to managing immigration that do not rely heavily on detention. Despite this, countries around the world continue to use incarceration as a primary tool for controlling the movement of undocumented individuals. In many cases, the conditions within detention centres are comparable to those of conventional prisons, with overcrowding, limited access to healthcare, and lack of legal representation being common issues (Sweileh, 2023). The practice of detaining immigrants for prolonged periods without

adequate due process has also been criticized by human rights organizations. The International Organization for Migration (IOM) has called for greater use of community-based alternatives to detention, where immigrants can be monitored while living in communities rather than being incarcerated in prison-like settings. One key area of concern highlighted in the literature is the impact of detention on the mental health of immigrants. Studies have shown that long-term detention can lead to significant psychological distress, including depression, anxiety, and post-traumatic stress disorder (Steel et al., 2020). This has led to calls for reforms in the way countries handle undocumented immigrants, advocating for policies that are more humane and that consider the vulnerability of migrant populations.

2.2.3 Continental Perspective: Africa

Across Africa, illegal immigration is often driven by a range of factors, including conflict, economic hardship, and political instability, leading to significant challenges for border control and penitentiary systems. This situation is particularly acute in regions experiencing ongoing civil strife or underdeveloped economies, where people are forced to migrate in search of safety or better opportunities. The influx of illegal immigrants places a heavy burden on already fragile prison and detention systems across the continent.

2.2.4 Drivers of Illegal Immigration in Africa

Conflict remains one of the primary causes of illegal immigration across Africa. Countries such as Sudan, South Sudan, Somalia, and the Democratic Republic of the Congo (DRC) have been plagued by years of internal conflict and civil wars, forcing millions to flee their homes. According to Canton, (2021) ongoing violence in these regions has contributed to large flows of refugees and migrants seeking to cross into neighbouring countries or regions. These movements often lead to illegal border crossings, as people seek refuge in safer countries, adding strain to their prison systems when they are detained as undocumented immigrants. In addition to conflict, economic hardship and political instability also drive significant levels of migration across the continent. Countries like Zimbabwe and Eritrea have seen mass exoduses due to chronic economic collapse and political repression. Zimbabwe, for example, has witnessed waves of migration into South Africa and Botswana as individuals seek better economic prospects, often resulting in illegal border crossings (Mujuru, 2021). Similarly, political instability in West African nations such as Mali and Burkina Faso has also driven

illegal immigration flows into more stable neighbouring countries, exacerbating challenges for prison and immigration systems in host nations.

2.2.5 Strain on Penitentiary Systems and Border Control

The rapid increase in migration across borders has placed significant strain on African penitentiary systems, many of which are already under-resourced and overwhelmed. As noted by Maphosa (2022), most African prisons are ill-equipped to handle the growing numbers of detainees, including illegal immigrants. Overcrowding is a pervasive issue, with detention facilities often exceeding their capacity due to an influx of undocumented migrants who are arrested and detained while awaiting deportation or asylum proceedings. For example, in Kenya, a country that acts as a gateway for migrants from East and Central Africa heading to the Middle East and Europe, detention centres are frequently overwhelmed by the number of illegal immigrants passing through or being deported from other regions (Amnesty International, 2020). This overcrowding leads to substandard living conditions, including inadequate access to food, healthcare, and legal assistance. Human rights violations are rampant, with detainees often subjected to physical abuse, extended detention periods without trial, and lack of proper judicial oversight. Similarly, Nigeria's detention centres have struggled to accommodate the large numbers of migrants passing through the country from the Sahel region. As Nigeria serves as a transit point for many migrants heading to North Africa and Europe, its penitentiary and immigration facilities are consistently overcrowded. Many detainees, particularly migrants from Mali, Niger, and Chad, face prolonged detention as they await deportation or processing (Human Rights Watch, 2021). These conditions contribute to significant human rights violations, as the overcrowded and underfunded facilities fail to meet basic humanitarian standards.

2.2.6 Transit Countries: Libya and Egypt

Libya and Egypt, which are key transit countries for migrants trying to reach Europe, have particularly struggled with the detention and management of illegal immigrants. In recent years, Libya has been one of the most prominent examples of a country grappling with the consequences of illegal immigration, exacerbated by ongoing conflict and the absence of a strong central government. According to the United Nations High Commissioner for Refugees (UNHCR, 2021), thousands of migrants from Sub-Saharan Africa are held in Libyan detention centres, many of which are run by militias and armed groups rather than state authorities. These

centres are notorious for their deplorable conditions, including severe overcrowding, lack of sanitation, and widespread abuse. Migrants detained in Libya often face indefinite detention periods, with little to no access to legal representation or formal asylum processes. Reports by international human rights organizations, including Amnesty International (2021), have documented widespread human rights violations in these centres, including torture, sexual abuse, forced labour, and trafficking. The lack of transparency and oversight in these facilities has made it difficult to address these issues effectively. Egypt, similarly, acts as a key transit point for migrants, especially from East Africa, as they attempt to reach Europe via the Mediterranean. Many migrants attempting to cross into Europe are arrested and detained in Egyptian facilities, where conditions are similarly poor. Ngulube (2021), detention centres in Egypt are often overcrowded, with migrants detained for extended periods without adequate access to legal processes. Human rights organizations have raised concerns about the poor treatment of detainees, many of whom face prolonged detention without trial or deportation.

2.2.7 Impact on Human Rights and Legal Systems

The detention of illegal immigrants across Africa often violates fundamental human rights, as many countries fail to meet international standards for the treatment of migrants. The African Charter on Human and Peoples' Rights, along with other international treaties such as the International Covenant on Civil and Political Rights (ICCPR), outlines the rights of all individuals, including migrants, to be free from arbitrary detention and to have access to legal due process. However, the detention of undocumented immigrants in many African countries often contravenes these standards. Migrants are frequently held in unsanitary and overcrowded conditions, with limited access to healthcare, legal assistance, and communication with their families. In many cases, detainees face lengthy periods of detention without trial, which violates their right to a fair and timely legal process. As noted by Maphosa (2022), the judicial systems in many African countries are not equipped to handle the growing number of immigration cases, leading to backlogs and prolonged detention of migrants. For example, in countries such as Uganda and Tanzania, undocumented immigrants are often held in detention for months or even years while awaiting deportation, with little regard for their legal rights or access to asylum processes (Ngulube, 2021).

2.2.8 Regional Perspective: SADC

Within the Southern African Development Community (SADC) region, irregular migration is a persistent issue, particularly along the migration corridors between Zimbabwe, Mozambique, and South Africa. These migration patterns are driven largely by economic instability, political turmoil, and socio-political factors in the region. South Africa, being the most economically developed country within SADC, serves as the primary destination for economic migrants, especially from Zimbabwe and Mozambique. This influx has placed considerable strain on South Africa's correctional and immigration systems.

2.2.9 Migration Dynamics in SADC

Irregular migration within SADC is fuelled by disparities in economic opportunities and political stability. Zimbabwe, for example, has experienced mass emigration since the early 2000s due to its economic collapse, hyperinflation, and political repression under Robert Mugabe's regime. While political reforms have taken place, economic challenges continue to drive significant migration flows. According to Chipato and Muzondidya (2022), many Zimbabwean migrants cross into South Africa and Botswana, often without proper documentation, in search of employment and better living conditions. Similarly, Mozambique's ongoing struggle with poverty and recent insurgencies in its northern regions have also pushed large numbers of migrants across borders into South Africa.

2.2.10 Impact on South Africa's Correctional Services

South Africa's position as a key destination for economic migrants has significantly impacted its correctional services. The country's relatively more advanced economy and job opportunities make it a magnet for migrants seeking better livelihoods. However, irregular migrants often face difficulties in securing legal residency or work permits, making them vulnerable to arrest and detention. Many are detained for immigration-related offenses, including illegal entry, overstaying visas, or working without authorization. This has contributed to an overcrowding crisis within South Africa's correctional facilities. As Matandare (2021) highlights, the influx of undocumented immigrants has compounded the overcrowding problem in South African prisons, with correctional facilities frequently operating beyond their intended capacity. This overcrowding not only compromises the quality of life within prisons but also creates an environment where human rights violations, such as

inadequate access to healthcare, poor sanitation, and abuse, become more prevalent. According to the Department of Correctional Services (DCS), South African prisons were operating at over 137% capacity in 2020, with a significant portion of inmates being undocumented immigrants awaiting deportation or legal processing (Department of Correctional Services Annual Report, 2020). The South African legal system has increasingly criminalized undocumented immigrants, leading to their incarceration rather than implementing alternatives such as deportation or community-based detention. In many cases, undocumented immigrants are held in detention for extended periods without trial, which violates their right to a fair legal process. A report by the South African Human Rights Commission (SAHRC, 2021) noted that migrants, especially those from Zimbabwe, often face significant delays in the processing of their cases, leading to prolonged detention in overcrowded and inhumane conditions.

2.2.11 Xenophobia and Public Perception

The issue of irregular migration in South Africa is further complicated by xenophobia and negative public perceptions of immigrants, particularly from Zimbabwe and Mozambique. Xenophobic attitudes are deeply entrenched in certain sectors of South African society, where immigrants are often viewed as economic threats who take jobs from locals or strain public services such as healthcare, education, and housing. These negative perceptions have fuelled calls for stricter immigration controls and harsher treatment of undocumented immigrants within the criminal justice system. As Matandare (2021) points out, xenophobic sentiments have led to an increase in arrests and detentions of undocumented immigrants for minor offenses, often related to immigration status rather than criminal activity. Migrants, especially those from neighbouring countries, are disproportionately targeted by law enforcement and be arrested for minor violations, such as not having proper identification or permits. Once incarcerated, these individuals face harsh conditions, often being denied bail or timely hearings, which exacerbates the already strained prison system.

The 2008 and 2019 waves of xenophobic violence in South Africa, where migrant-owned businesses were attacked and foreigners were targeted, illustrate the extent to which undocumented immigrants are stigmatized. This societal pressure has resulted in policies that prioritize the detention of immigrants over finding more humane solutions, such as regularizing their status or providing temporary work permits (Maringira & Mlambo, 2022). These practices not only contribute to overcrowding but also heighten tensions between local communities and migrants, perpetuating a cycle of discrimination and marginalization.

2.2.12 Penitentiary Conditions in Neighbouring Countries

While South Africa bears the brunt of irregular migration in SADC, neighbouring countries like Zimbabwe and Mozambique also face challenges in managing illegal immigration. Zimbabwe, in particular, deals with the dual challenge of being a source of emigration while also hosting migrants from neighbouring countries, especially during political unrest in Mozambique. The Zimbabwe Prison and Correctional Services (ZPCS) struggles with overcrowding, and many of its facilities are under-resourced, leading to poor living conditions for detainees. As Gukurume (2021) explains, Zimbabwean prisons are often unable to provide basic necessities for inmates due to budgetary constraints, and this situation is exacerbated by the presence of undocumented immigrants detained for crossing into or through Zimbabwe. Similar challenges exist in Mozambique, where irregular migrants are often detained in substandard conditions. Migrants caught trying to cross into South Africa via Mozambique are often detained in overcrowded facilities with little access to legal representation or proper medical care.

2.2.13 Regional Cooperation and Policy Responses

Efforts to address irregular migration within SADC have been hindered by inconsistent policies and a lack of coordinated regional strategies. Although SADC has made attempts to improve regional cooperation through frameworks such as the SADC Protocol on the Facilitation of Movement of Persons, implementation has been uneven across member states. South Africa, in particular, has adopted stricter immigration laws and border controls in response to public pressure, while other countries, such as Mozambique and Zimbabwe, struggle with porous borders and weak immigration enforcement. To mitigate the impact of irregular migration on correctional systems, some SADC countries have called for reforms aimed at improving border security, streamlining legal immigration processes, and enhancing regional cooperation on migration management. There have also been calls for the decriminalization of immigration-related offenses and for the introduction of alternative detention methods, such as community-based supervision for undocumented immigrants (Mlambo, 2021). These reforms, if implemented effectively, could help reduce the burden on correctional facilities and improve conditions for undocumented migrants across the region.

2.2.14 South Africa Correctional Services (SACS)

South Africa's correctional services have long grappled with the issue of overcrowding, and the presence of illegal immigrants has further strained the system. The correctional facilities in South Africa are often overwhelmed, with occupancy rates significantly exceeding their intended capacities. According to Moyo (2021), illegal immigrants are often subjected to prolonged detention due to bureaucratic delays in deportation procedures. These delays stem from inefficiencies in processing immigration cases, limited cooperation between countries, and logistical challenges, all of which place an additional burden on already stretched correctional resources. In particular, South Africa's immigration policies, coupled with the public perception of undocumented immigrants as economic threats, have led to the criminalization of these individuals. This is evident in their disproportionate representation in the country's correctional facilities. Public discourse and government rhetoric tend to associate undocumented migrants with criminality, which has contributed to a rise in their incarceration for minor or non-criminal offenses, such as immigration violations (Zwane, 2023). This situation is exacerbated by xenophobic sentiments, where migrants from countries like Zimbabwe and Mozambique are viewed negatively and face harsher treatment within the criminal justice system.

2.2.15 Challenges in Deportation and Detention

The deportation process for illegal immigrants in South Africa is fraught with delays and challenges. Research by Moyo (2021) indicates that illegal immigrants often experience extended periods of detention as they await deportation, which can sometimes take months or even years due to administrative bottlenecks. These delays result from various factors, such as a lack of documentation, lengthy legal processes, and coordination issues between South Africa and the migrants' home countries. As a result, illegal immigrants are often held in correctional facilities far longer than intended, worsening the overcrowding problem. This prolonged detention violates international human rights standards, which stipulate that immigration detainees should not be held for extended periods without adequate legal processes or judicial oversight. The South African Human Rights Commission (SAHRC, 2021) has raised concerns about the treatment of illegal immigrants in detention, highlighting the need for reforms to protect their rights and improve the efficiency of deportation procedures.

2.2.16 Reforms and Policy Challenges

Efforts to reform South Africa's correctional services have been ongoing, with the government recognizing the need to address overcrowding and improve the treatment of illegal immigrants within the prison system. The 2020 White Paper on Corrections in South Africa underscores the importance of protecting the human rights of foreign nationals and highlights the need for specific interventions tailored to immigrant detainees. These include ensuring access to legal representation, improving detention conditions, and facilitating timely deportation processes (Department of Correctional Services, 2020). However, as Kgosimore (2021) notes, the implementation of these reforms has been slow and inconsistent. While there are policies in place aimed at protecting the rights of immigrants, practical challenges such as underfunding, inadequate staffing, and poor coordination between government departments have hindered meaningful progress. The correctional system remains ill-equipped to address the unique needs of immigrant detainees, many of whom face language barriers, lack access to legal resources, and experience difficulties in navigating the complex legal and immigration systems.

2.2.17 Overcrowding and Human Rights Concerns

Overcrowding in South African prisons is a major human rights issue, and illegal immigrants are particularly vulnerable to the consequences of this problem. Overcrowded facilities lead to poor living conditions, including inadequate access to basic necessities such as food, water, and healthcare. The situation is further complicated by the mixing of immigration detainees with the general prison population, which can lead to heightened risks of abuse, violence, and exploitation. According to the Judicial Inspectorate for Correctional Services (JICS) report (2022), many illegal immigrants are housed in correctional facilities not designed to accommodate large numbers of non-criminal detainees, contributing to the deterioration of conditions. The lack of specialized facilities for immigration-related detainees, combined with the high prison occupancy rates, has resulted in severe overcrowding, which undermines the dignity and rights of all inmates. Kgosimore (2021) emphasizes that without addressing the systemic issues contributing to overcrowding, such as inefficient deportation processes and the criminalization of immigration, South Africa's correctional services will continue to face significant operational challenges.

2.2.18 Zimbabwe Prisons and Correctional Services (ZPCS)

Zimbabwe's prison system faces its own set of challenges, many of which are exacerbated by the economic hardships the country has faced over the past two decades. The emigration of Zimbabwean citizens, many of whom end up detained in foreign countries like South Africa, creates a cyclical issue for the Zimbabwe Prisons and Correctional Services (ZPCS). The repatriation of deportees often results in further incarceration within Zimbabwe, especially when legal ambiguities surround their status upon return.

2.2.19 Overcrowding and Resource Constraints

Like South Africa, Zimbabwe's prison system suffers from severe overcrowding. According to Chigora (2022), the country's prisons frequently operate at well above their intended capacities, a situation worsened by the detention of deportees and illegal immigrants. The ZPCS has limited resources, and the influx of immigrants many of whom are deported from neighbouring countries puts additional pressure on an already overburdened system. Overcrowded prisons lead to deplorable living conditions, including inadequate sanitation, poor nutrition, and limited access to healthcare. The overstretched infrastructure and resource constraints mean that the system struggles to meet even the most basic needs of the incarcerated population. Furthermore, Mujuru (2021) highlights that many prisons in Zimbabwe are outdated and not equipped to handle the growing numbers of detainees. The lack of investment in prison infrastructure, combined with economic challenges, has led to poor prison conditions that not only affect Zimbabwean inmates but also illegal immigrants detained within the country. Human rights organizations have repeatedly raised concerns about the inhumane conditions in Zimbabwean prisons, with reports of overcrowding, poor hygiene, and insufficient medical care being common.

2.2.20 Legal Ambiguities and Deportation Challenges

Many Zimbabwean nationals incarcerated in foreign countries, particularly in South Africa, are eventually deported back to Zimbabwe. However, upon their return, these individuals often face further legal challenges. Ncube (2021) notes that deportees frequently find themselves in a legal grey area, as they be detained again upon arrival in Zimbabwe due to unresolved legal

issues, such as outstanding warrants or previous charges. This creates a revolving door of incarceration, where deportees are unable to reintegrate into society and face continued legal persecution. Additionally, the repatriation process is fraught with challenges. The coordination between Zimbabwe and countries like South Africa is often poor, leading to delays in the deportation process and, in some cases, violations of the deportees' legal rights. The lack of clear policies governing the treatment of deportees upon their return to Zimbabwe further complicates the situation, leading to instances where individuals are detained without trial or held in custody for extended periods.

2.2.21 Underfunding and Lack of Rehabilitation Programs

One of the key issues facing the ZPCS is chronic underfunding. Mujuru (2021) points out that the lack of financial resources has had a significant impact on the functioning of the correctional system, particularly in terms of providing rehabilitation programs and reintegration services. Most Zimbabwean prisons lack basic facilities and programs that are essential for rehabilitating inmates, including education, vocational training, and psychological support. This is particularly problematic for deported immigrants, many of whom require support to reintegrate into society and avoid falling back into illegal activities. Without adequate rehabilitation and reintegration programs, the cycle of incarceration and recidivism is likely to continue, both for Zimbabwean nationals and illegal immigrants. The lack of resources also means that prison staff are often overworked and undertrained, which affects the overall quality of prison management and the treatment of detainees. These challenges have led to calls for comprehensive reform of the ZPCS, with a focus on improving conditions, enhancing rehabilitation efforts, and addressing the specific needs of illegal immigrants within the system.

2.2.22 Human Rights Concerns and International Criticism

Zimbabwe's prison conditions have been the subject of international criticism, particularly regarding the treatment of immigrants and deportees. Reports from human rights organizations frequently cite instances of overcrowding, abuse, and neglect within Zimbabwean prisons. According to Chigora (2022), illegal immigrants and deportees are especially vulnerable to human rights violations, as they often lack the legal representation and resources needed to defend themselves against prolonged detention or abuse. International organizations, including Amnesty International and Human Rights Watch, have urged the Zimbabwean government to implement reforms aimed at improving prison conditions and ensuring that the rights of all

detainees particularly vulnerable groups like illegal immigrants are respected. However, despite these calls for action, progress has been slow, and the ZPCS continues to operate under significant strain.

2.3 Theoretical Framework

2.3.1 Realism in International Relations- Anarchic international system

The realist theory of international relations provides a suitable framework for understanding the management of illegal immigrants in the context of state sovereignty and national security. As noted by Chikweche (2020), realism emphasizes the anarchic nature of the international system, where states prioritize their own security and survival, often at the expense of foreign nationals. In the case of South Africa and Zimbabwe, the detention of illegal immigrants can be seen as a manifestation of the state's efforts to control its borders and maintain sovereignty in the face of irregular migration. From a realist perspective, illegal immigrants are perceived as potential threats to the social and economic stability of the state, prompting the use of correctional systems as tools to manage and deter further immigration. This aligns with Morgenthau's (2021) argument that states must defend their interests through legal and correctional measures, particularly when dealing with cross-border threats such as illegal immigration.

2.3.2 Deterrence Theory in Penitentiary Systems

Deterrence theory is a useful complementary framework for understanding how correctional systems function in response to illegal immigration. Deterrence theory posits that the threat of punishment, such as incarceration, will discourage individuals from engaging in illegal activities (Chirisa, et al 2020). Both South Africa and Zimbabwe rely on their penitentiary systems not only to punish illegal immigrants but also to deter others from attempting to cross borders unlawfully. However, studies such as that by Mavedzenge (2022) suggest that deterrence have limited effectiveness in the context of illegal immigration, particularly when individuals are fleeing desperate circumstances such as war or economic collapse. This is evident in both South Africa and Zimbabwe, where despite stringent enforcement measures, illegal immigration remains a persistent issue.

This literature review has highlighted the global, continental, and regional perspectives on the impact of illegal immigration on penitentiary systems, with a specific focus on South Africa and Zimbabwe. The review has shown that both countries face significant challenges in managing illegal immigrants within their correctional systems, exacerbated by overcrowding, resource constraints, and public perceptions. Through the lens of realism in international relations and deterrence theory in penitentiary management, it is clear that while both countries attempt to use their correctional systems as deterrents against illegal immigration, the effectiveness of these strategies remains limited.

Recent scholarly works emphasize the need for more humane and rehabilitative approaches, particularly in light of international human rights standards. However, political and economic realities in both South Africa and Zimbabwe complicate efforts to reform their penitentiary systems, especially concerning illegal immigrants.

2.3.3 World System Theory

World Systems Theory, analyses the global economic and political order as a complex system structured into three main categories: core, semi-periphery, and periphery. The theory posits that the world functions as a single capitalist system with hierarchical economic relationships that perpetuate inequalities between these zones (Wallerstein, 1974). The core nations dominate and exploit peripheral countries for labour and raw materials, while semi-periphery nations act as intermediaries, blending characteristics of both core and periphery states (Wallerstein, 2004). This framework underscores how global interdependencies and disparities influence social, economic, and political systems at the regional and national levels.

Applied to the study of illegal immigration and its implications on penitentiary protocols in the SADC region, World Systems Theory helps explain the root causes of migration and its impact on correctional institutions. Peripheral countries, such as Zimbabwe, often experience systemic underdevelopment due to historical and ongoing exploitation by core nations, leading to poverty, unemployment, and limited opportunities (Frank, 1967). These conditions push individuals to migrate, frequently illegally, to semi-peripheral countries like South Africa, which are perceived as offering better economic prospects.

The theory also illuminates the consequences of these migration patterns on correctional systems. Peripheral states, constrained by economic and infrastructural limitations, struggle to

accommodate the influx of illegal immigrants in their penitentiary systems. Semi-peripheral states, despite having relatively more resources, face overwhelming challenges as host nations, including prison overcrowding and resource strain (Wallerstein, 2004). The global nature of capitalism and its influence on migration and institutional frameworks demonstrates how systemic inequalities shape these dynamics.

Moreover, World Systems Theory highlights the role of global policy dynamics. Core countries and international bodies influence penitentiary standards in peripheral and semi-peripheral states, often through financial aid or policy imposition aimed at aligning with global human rights norms. However, these external interventions frequently fail to account for local realities, resulting in fragmented and ineffective implementation (Chase-Dunn & Hall, 1997).

By applying World Systems Theory to the comparative analysis of South Africa and Zimbabwe's correctional systems, the study situates penitentiary challenges within a broader global context, emphasizing how structural inequalities drive migration and strain institutional capacities. This framework allows for a nuanced understanding of the socio-economic and institutional disparities shaping the management of illegal immigrants in the region.

2.4 Analyse Existing Protocol

The purpose of the literature review in this study on illegal immigrants and their implications on penitentiary protocols in the Southern African Development Community (SADC) region is multifaceted. The review aims to evaluate how South Africa and Zimbabwe manage illegal immigrants within their correctional systems, focusing on the similarities and differences in the protocols between the two countries (Moyo, 2021; Smith, 2022). By examining existing practices, the study seeks to highlight how each nation addresses the challenges of illegal immigration within their penitentiary systems.

The review also aims to investigate the impact of these protocols on the overall effectiveness of the correctional systems and their adherence to human rights standards. This includes an analysis of issues such as overcrowding, resource allocation, and the treatment of inmates within the detention facilities (Nguyen and Chen, 2023). Understanding these factors is crucial for assessing the operational efficiency and the ethical implications of current practices within the penitentiary systems.

Furthermore, the review seeks to identify the challenges and gaps faced by both South Africa and Zimbabwe in managing illegal immigrants. This includes legal and administrative obstacles that affect the efficiency of correctional practices and the overall effectiveness of current policies (Kaboggoza, J. (2022)). By highlighting these issues, the study aims to pinpoint areas where improvements can be made to address the strain placed on the systems by the detention of illegal immigrants.

A comparative analysis of the two countries' approaches will also be provided, offering valuable insights into best practices and areas for improvement. By contrasting the outcomes and strategies used by South Africa and Zimbabwe, the review will highlight successful methods and potential pitfalls that can inform future policy and operational decisions (Jenkins and Arnold, 2024).

Finally, the findings from this literature review will inform policy recommendations that could enhance the management of illegal immigrants in the SADC region. By identifying gaps and inefficiencies, the review will suggest reforms or improvements in penitentiary protocols that could strengthen the ability of correctional services to manage illegal immigration while respecting human rights and ensuring operational efficiency (Miller & Thompson, 2022).

2.5 Implications for Penitentiary Protocol

The impact of illegal immigration on prison overcrowding is a key concern for both South Africa and Zimbabwe. Social Control Theory and Strain Theory suggest that the influx of undocumented immigrants can lead to increased incarceration rates, thus exacerbating prison overcrowding. In South Africa, the rise in the number of illegal immigrants strains the correctional system, challenging its capacity to effectively manage and rehabilitate inmates (South African Human Rights Commission, 2021). Similarly, Zimbabwe has faced longstanding issues with overcrowded prisons, and the presence of illegal immigrants further complicates efforts to address these challenges (Zimbabwe Prisons and Correctional Services, 2022). This growing population places additional pressure on resources and reduces the effectiveness of rehabilitation programs.

To address these mounting issues, policy reform is essential. Critical Criminology emphasizes the need for systemic change in both countries' approaches to illegal immigration. This perspective suggests that South Africa and Zimbabwe must reassess their current policies to ensure the fair treatment and effective management of illegal immigrants within their

penitentiary systems (Quinney, 1970). Reforming immigration laws, penal practices, and enhancing international cooperation are necessary steps to improve the situation. These changes would help mitigate the strain on correctional facilities and ensure that illegal immigrants are treated justly while in detention.

Human rights considerations are also critical in the context of incarcerating illegal immigrants. Both Social Control Theory and Critical Criminology stress the importance of balancing societal control with humane treatment. Incarceration practices that subject illegal immigrants to inhumane conditions or unjust treatment are a serious concern and violate international human rights standards (UN Human Rights Council, 2020). Ensuring that the detention of illegal immigrants aligns with human rights norms is crucial for maintaining the integrity of the justice system and protecting the dignity of all individuals, regardless of their immigration status. This balance between security and human rights is vital in shaping the future of penitentiary policies in both South Africa and Zimbabwe.

2.6 Conceptual Framework

The presence of illegal immigrants in correctional facilities presents significant challenges to penitentiary systems, particularly in the Southern African Development Community (SADC) region. This conceptual framework examines the implications of illegal immigration on penitentiary protocols, focusing on a comparative analysis of the South Africa Correctional Services (SCS) and Zimbabwe Prisons and Correctional Services (ZPCS). It will explore how illegal immigrants affect prison management, resource allocation, and legal frameworks in these countries.

Fig 2.1 below shows the pictorial presentation of the implications on penitentiary systems in SADC: A comparative analysis of South Africa Correctional Services and Zimbabwe Prisons and Correctional Services under the conceptual framework.

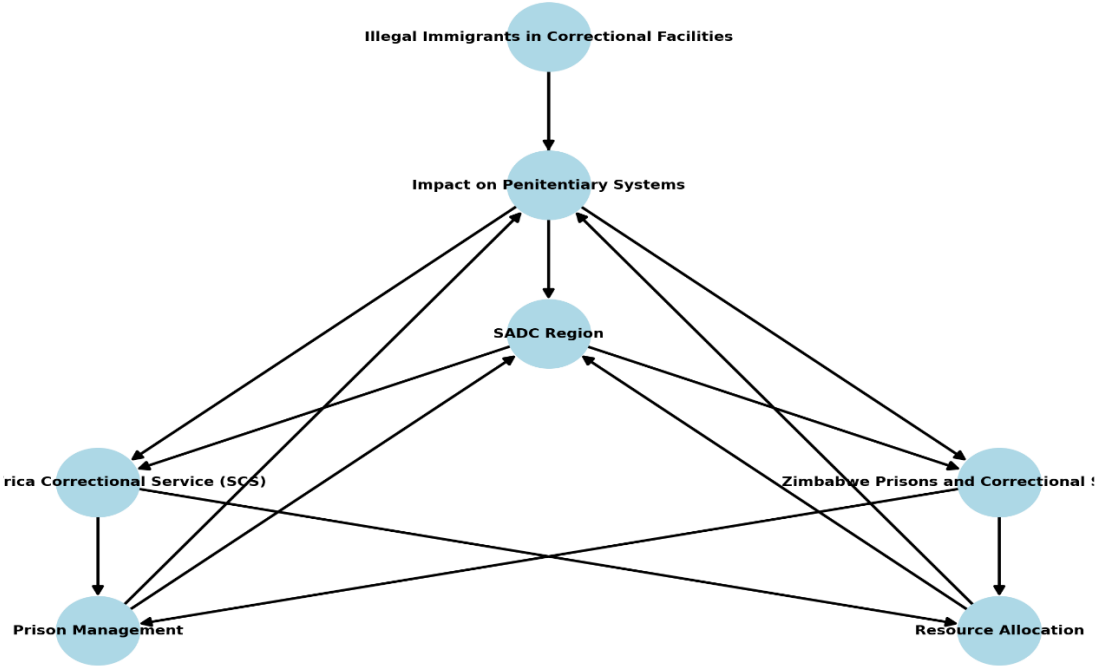


Figure 1 Impact of Legal Immigrants within SADC: Source primary (2024)

2.6.1. Criminal Justice System Theory

This theory examines how justice systems manage offenders, including the challenges posed by illegal immigrants (Becker, 1968). It provides a foundation for understanding the systemic pressures on prison management in the context of increased prison populations due to illegal immigration.

2.6.2. Resource Strain Theory

This theory highlights how unexpected increases in demand, such as from illegal immigrants, strain existing resources and affect the efficiency of institutions (Hannan & Freeman, 1977). In the context of penitentiaries, it helps explain the operational difficulties faced by correctional services.

2.6.3. Human Rights Framework

The human rights perspective focuses on the treatment of prisoners, including illegal immigrants, emphasizing fair treatment and legal protections (Donnelly, 2003). This

framework is crucial for assessing how penitentiary protocols uphold or fail human rights standards.

2.6.4 Key Components of the Framework

This study explores the management of illegal immigrants within correctional facilities in both South Africa and Zimbabwe, focusing on penitentiary management protocols and the legal frameworks guiding their treatment. In South Africa, the Correctional Services (SCS) faces challenges in managing the intake, classification, and treatment of illegal immigrants. Issues such as overcrowding, security concerns, and the integration of illegal immigrants into existing inmate populations are critical factors in the management process (South African Human Sciences Research Council, 2021). Similarly, in Zimbabwe, the Prisons and Correctional Services (ZPCS) grapples with challenges related to the socio-political context, limited resources, and institutional responses to illegal immigrants (Mhishi, 2022)

In terms of legal and policy frameworks, South Africa's legislative measures governing the treatment of illegal immigrants in prisons are analysed, with a focus on recent reforms and their effectiveness (South African Department of Correctional Services, 2022). In Zimbabwe, the legal frameworks and policies affecting illegal immigrants in its prisons are reviewed, considering the influence of regional and international human rights agreements (Marondedze, 2023)

2.6.5. Impact on Resources and Operations

The influx of illegal immigrants has significant implications for the distribution of resources within correctional systems. In both South Africa and Zimbabwe, this increase places additional strain on resources such as staff, medical care, and prison facilities. The need to accommodate a growing number of inmates, including those who are illegal immigrants, results in challenges in ensuring adequate staffing levels, providing sufficient medical services, and maintaining appropriate facility conditions. As highlighted by the UNODC (2023), these factors can compromise the effectiveness of the prison system in both countries.

Moreover, the presence of illegal immigrants impacts the overall operational efficiency of prisons. The influx of individuals who may lack proper documentation or legal status introduces challenges related to security, rehabilitation programs, and overcrowding. With overcrowded conditions, the ability to maintain security and implement effective rehabilitation

programs is significantly hindered. Fair, & Walmsley, (2024) notes that these operational difficulties create an environment that may prevent the effective reintegration of offenders, limiting the success of the correctional system in both South Africa and Zimbabwe.

2.6.6. Human Rights Considerations

The treatment of illegal immigrants within the penitentiary systems of South Africa and Zimbabwe begins with how they are handled upon incarceration. Key issues such as access to legal representation, healthcare, and the overall conditions of confinement are significant concerns. According to Marques, (2023), illegal immigrants often face limited access to essential legal services, which can impede their ability to navigate the justice system effectively. Furthermore, their access to healthcare may be restricted, and the conditions in which they are detained can be substandard, exacerbating their vulnerability within the prison system.

Following their detention, the legal protections afforded to illegal immigrants within both South African and Zimbabwean correctional facilities are crucial in determining their treatment. A comparative analysis reveals that, while both countries are signatories to international human rights conventions, the application of these standards in practice may vary. Human Rights Watch (2023) emphasizes that, although both countries are obligated to uphold the rights of all individuals in detention, including illegal immigrants, the legal protections they receive can differ significantly. These discrepancies are influenced by factors such as the availability of resources, political climate, and the effectiveness of law enforcement and judicial systems in upholding international human rights standards.

2.7. Comparative Analysis

The framework adopted a comparative analysis methodology to explore the management of illegal immigrants within the correctional systems of South Africa and Zimbabwe, identifying both similarities and differences in their approaches. The analysis began with an evaluation of policy effectiveness, examining how each country's policies addressed the challenges posed by illegal immigrant populations. This comparison highlighted the strengths and weaknesses of their respective strategies in managing the issue.

Next, the framework assessed resource management, focusing on how the influx of illegal immigrants affected the allocation and management of resources in both countries. This

included examining the strain on prison facilities, staff, and healthcare services, as well as how each country adapted to these demands.

Finally, the framework evaluated the compliance of both countries with international human rights standards in the treatment of illegal immigrants within their correctional systems. This assessment considered the extent to which South Africa and Zimbabwe upheld the rights of detainees, as outlined by global human rights conventions, and the effectiveness of their legal frameworks in ensuring such protections.

2.8 Chapter summary

This chapter provided a thorough literature review on the illegal immigrants and their implications on penitentiary protocols in SADC: A comparative analysis of South Africa Correctional Services and Zimbabwe Prisons and Correctional Services. The theoretical frameworks that underpin the study were discussed and a comprehensive analysis of previous studies conducted by other researchers in relation to the objectives of the current study was presented in order to identify similarities and gaps. Various research studies were cited to support the researcher's arguments and strengthen the line of thought. Additionally, an empirical review was conducted. The examination of existing literature revealed gaps and shortcomings, highlighting areas that are ripe for further research. The next is Chapter three focusing on the research methodology employed in this study.

CHAPTER III

RESEARCH METHODOLOGY

3.1 Introduction

This chapter examines the Research Methodology under the following sub-headings: research philosophy, research approach, research population, sample and sampling techniques, data collection matrix, data presentation, validity and reliability and ethics.

3.2 Research Philosophy

To better suit the study of illegal immigration in the SADC region, particularly within the prison systems of Zimbabwe and South Africa, a Pragmatist Approach may be more fitting than a purely Positivist one. While Positivism focuses on objective, measurable data, often through quantitative methods, the Pragmatist Approach allows for a more flexible methodology that can incorporate both qualitative and quantitative data. It recognizes that the nature of reality is complex and can be understood through multiple perspectives, making it a more practical choice for exploring the nuanced implications of illegal immigration within correctional facilities.

In this study, the Pragmatist Approach would still involve gathering empirical data on the presence and impact of illegal immigrants in prisons, such as reasons for incarceration, resource strains, security concerns, and socio-economic effects. However, unlike Positivism, which may focus strictly on statistical data, the Pragmatist approach allows for the integration of qualitative insights from interviews, focus group, and observations, providing a more holistic view of the issue, as well as quantitative insights from surveys and experiments. By including perspectives from prison officials, immigration officers, and other stakeholders, the research would be better equipped to capture the complexities of the situation.

A Pragmatist Approach would also involve using a mixed-methods design, combining both quantitative data (such as prison population statistics and resource usage) with qualitative data (such as personal accounts and institutional experiences). This would help ensure the research captures both the measurable impacts of illegal immigration and the deeper, contextual factors that affect the prison systems and broader society. By focusing on practical solutions to real-world problems, the Pragmatist Approach would allow the study to generate actionable insights

for policymakers, as it considers the practical implications of findings in a way that a purely positivist approach might overlook.

Overall, the Pragmatist Approach is particularly suitable for this research because it is grounded in addressing real-life issues through the use of both numerical and narrative data, making it ideal for studying complex problems such as illegal immigration in prison systems (Creswell & Creswell, 2021; Morgan, 2020).

3.3 Research Approach- Exploratory Mixed-methods Design

This study used a mixed-methods approach particularly exploratory sequential design. It started with qualitative data collection and analysis to explore themes or patterns and follows up with quantitative research to test or expand on these initial findings. This approach assumes that qualitative insights can inform the development of quantitative measures, making the research process more informed and contextually grounded. For comparing SACS and ZPCS, this design would allow initial qualitative data (e.g., interviews or focus groups with correctional officers) to highlight key issues that can be quantified in the subsequent phase.

The selected mixed-methods approach shapes the design process by dictating how and when data is collected and integrated. The convergent parallel design requires developing both quantitative and qualitative tools concurrently and merging findings for a unified analysis, which ensures that various perspectives are considered simultaneously. The exploratory sequential design, in contrast, follows a phased approach, where qualitative results guide the development of quantitative instruments. This method allows for a deeper understanding of the initial qualitative themes before broadening the study through quantitative measures.

Both approaches align with the philosophy of pragmatism, as highlighted by Creswell and Plano-Clark (2018), because they prioritize answering research questions effectively by using the most suitable data collection methods. Pragmatism supports methodological flexibility and focuses on practical outcomes. By allowing researchers to draw on both qualitative and quantitative strengths, these mixed-methods designs provide a comprehensive understanding of the complex issue of illegal immigrants in SACS and ZPCS. This dual focus on measurable trends and contextual depth ensures the research findings are relevant, actionable, and insightful.

3.4 Research Design - Comparative case study

The study uses a comparative case study design to compare prison rules between the two correctional systems. This design provides an in-depth look at each case (ZPCS and SACS) and highlights the similarities and differences in policies, practices, and results. Lune and Berg (2020) are of the view that, this design helps identify effective strategies for managing illegal immigrants in the SADC region.

The choice of a comparative case study approach was crucial for understanding the differences and similarities in how SACS and ZPCS manage illegal immigrants. This method allowed for an in-depth examination of each system's protocols, practices, and outcomes, facilitating a detailed comparison. Specific aspects of analysis that were done comparatively included intake procedures, detention conditions, resource allocation, legal processing, and the human rights implications within each correctional system. By comparing these factors, the study aimed to identify both shared challenges and country-specific practices that could inform potential policy enhancements or best practices.

To ensure the validity and reliability of the points of analysis, several measures were employed. Triangulation was used, combining data from various sources such as official records, interviews, and surveys to cross-verify findings. This helped to strengthen the credibility of the results by showing consistent patterns across different data types. Reliability was maintained by standardizing the data collection instruments, ensuring consistent application across both case studies. Detailed documentation of the research process, including coding procedures for qualitative data and checks for accuracy in quantitative data analysis, further enhanced the trustworthiness of the research. The mixed-methods approach's incorporation of both qualitative and quantitative data provided a balanced perspective, minimizing bias and reinforcing the study's overall robustness.

3.5 Research Population

The target population of 1000 staff members from Zimbabwe and South African was carefully defined to ensure the research remains focused and manageable while capturing key insights into the management of illegal immigrants within these institutions. Although both ZPCS and SACS are expansive organizations with thousands of employees, not all staff members are directly involved in handling illegal immigrants. The chosen population specifically includes

correctional officers, social workers, and immigration officials who have first-hand experience and responsibilities related to the intake, classification, detention, and support of illegal immigrants within these correctional facilities.

The selection of these 200 participants is justified as it strategically narrows down the focus to individuals who have significant interactions with illegal immigrant populations and can provide relevant insights. This subset is drawn from various ranks and departments that directly contribute to policy enforcement, detainee management, rehabilitation programs, and cross-border coordination. Including correctional officers ensures perspectives on security, operational challenges, and daily interactions, while social workers offer insights into rehabilitative support and detainee welfare. Immigration officials are included for their expertise on legal procedures, cross-border policies, and the broader socio-legal context influencing the detention of illegal immigrants.

By targeting this specific group, the study ensures that data collected will be rich in detail and directly aligned with the research objectives. The sample size is designed to be both comprehensive and practical, reflecting a diverse range of experiences within the correctional services while maintaining a manageable scope for in-depth analysis. This targeted approach supports the validity of the findings, ensuring that they are drawn from the perspectives of those most relevant to the research topic. They were selected because they have first-hand experience and knowledge of the challenges of managing illegal immigrants in prisons (Palinkas et al., 2020; Etikan, 2021).

3.6 Sample and Sampling Techniques

A sample size of 200 participants was used for a mixed methods study, depending on the scope and objectives of the research (Creswell and Plano-Clark, 2018). For mixed methods, the quantitative portion typically requires a larger sample size to achieve statistical significance, while the qualitative portion benefits from smaller, focused samples to provide detailed insights (Tashakkori and Teddlie, 2010). In this context, 200 participants would allow for meaningful analysis in both components, ensuring statistical validity for quantitative data and rich, detailed qualitative feedback (Bryman, 2016).

To meet the requirements of a mixed methods approach, both probability and non-probability sampling techniques were employed. Stratified Random Sampling (Probability Sampling): For the quantitative part, stratified random sampling was utilized to ensure proportional

representation of different groups within the correctional services, such as correctional officers, social workers, and immigration officials (Creswell, 2014). This method divides the population into subgroups (strata) and randomly selects participants from each subgroup, creating a representative sample (Patton, 2015).

Purposive Sampling (Non-Probability Sampling): For the qualitative component, purposive sampling was employed to select 100 participants based on their expertise and involvement in managing illegal immigrants (Creswell and Plano-Clark, 2018). This approach ensures that those with relevant experience contribute data that captures the complexity of their roles and insights into the system's operations (Patton, 2015).

3.6.2 Components of the Sample for Qualitative and Quantitative Analysis

Quantitative Component: Out of the 200 participants, 100 were chosen using stratified random sampling to ensure broad statistical coverage. This group included correctional officers, social workers, and immigration officials from various roles and regions within the Zimbabwean and South African correctional services, allowing for analysis of practices, resource allocation, and procedural consistency (Tashakkori and Teddlie, 2010).

Qualitative Component: The remaining 100 participants were selected through purposive sampling. This group consisted of senior correctional officers, frontline staff working directly with detainees, and social workers or immigration officials involved in policy implementation and support services. Their input provided in-depth case studies and qualitative perspectives crucial for understanding complex issues within the system (Creswell, 2014; Patton, 2015).

This combined approach ensured that the study's design captured broad trends and detailed individual experiences, aligning with the strengths of a mixed methods research framework. For this comparative study on the management of illegal immigrants within correctional services in South Africa (SACS) and Zimbabwe (ZPCS), data were collected through a combination of qualitative and quantitative methods. The data collection process involved structured surveys, in-depth interviews, and review of official documents. The methods and means of communication used were strategically chosen to ensure comprehensive data gathering from both countries, considering accessibility, logistical challenges, and the sensitivity of the topic. Quantitative data were collected using structured surveys distributed to correctional services staff and relevant stakeholders in both SACS and ZPCS. These surveys were disseminated via email and online survey platforms such as Google Forms and

SurveyMonkey. The decision to use digital means for surveys was driven by the need for a cost-effective, efficient, and wide-reaching method, allowing data collection from respondents spread across different facilities in each country. Online surveys provided an anonymous platform for respondents, encouraging honest and candid responses about resource allocation, operational challenges, and protocols for managing illegal immigrants. Online platforms enabled data collection from multiple regions simultaneously without logistical constraints, offered respondents privacy for more truthful insights, and allowed quick distribution and collection for a timely analysis process.

Qualitative data were obtained through in-depth interviews conducted with correctional officers, senior management, and key officials from the Ministry of Justice, Ministry of Home Affairs, and NGOs in both countries. These interviews were primarily conducted using video conferencing tools like Zoom and Microsoft Teams, supplemented by face-to-face interviews where feasible. The choice of video conferencing was influenced by travel limitations, time constraints, and the need for flexibility. Video conferencing allowed interviews to be conducted without extensive travel, making it easier to engage participants with tight schedules, and enabled follow-up questions for richer data collection through the observation of non-verbal cues and deeper discussions. Virtual interviews reduced travel costs and time, while face-to-face interviews were used when more detailed responses were needed from high-ranking officials.

A review of existing documents, including policy papers, official reports, and legal frameworks relevant to managing illegal immigrants in both SACS and ZPCS, was also conducted. These documents were accessed through government portals, correctional services websites, and, when necessary, in-person visits to libraries and offices holding physical copies. Reviewing official documents provided a comprehensive background of existing policies and legal standards essential for contextualizing survey and interview responses and helped cross-check and validate the information gathered through surveys and interviews (Creswell and Plano-Clark, 2018).

3.7 Data Collection Matrix

A data collection matrix is set up to organize information from surveys, interviews, and document reviews. Scholars such as Ballena, (2021) views that surveys provide quantitative data on staff knowledge and views about immigration laws, while interviews give qualitative

insights into the rules and challenges faced. This matrix ensures that data from various sources aligns with the research goals, promoting a systematic way to gather and analyse information.

Table 1: Data Collection Matrix Table

Sample category	Sampling technique and Number	Data collection tool	Focus
Senior ZPCS Correctional Officers	Purposive sampling- 20	Face to face Interviews	To assess on Frame work knowledge, protocols, impact of budget and illegal treatment of Illegal immigrants
Senior SACS Officers on Regional Cooperation	Purposive sampling-20	Emailed questions and conducted interviews through zoom	
ZPCS Correctional Officers	Stratified random sampling - 50 staff	Surveys	To assess staff knowledge, awareness, and attitudes toward immigration laws, illegal immigrant management, and regional cooperation in correctional services.
SACS Services Staff	Stratified random sampling -50	Surveys	
Inmates from ZPCS	Random sampling - 30 from each institution	Structured interviews or focus group discussions	To gather qualitative insights from illegal immigrant inmates regarding their experiences and challenges in correctional facilities.
Official Documents (Policy Guidelines, Protocols, Immigration Laws)	Document review - Selection of key policy documents from ZPCS, Ministries	Document review checklist	To analyse policies and protocols regarding illegal immigrants and regional cooperation in the context of correctional services

Official Documents (Policy Guidelines, Protocols, Immigration Laws)	Document review - Selection of key policy documents from SA Correctional Services, Ministries	Document review checklist	
Ministry of Justice and Parliamentary Affairs (Zim)	Purposive sampling - 5 participants	Structured face to face interviews	To understand the legislative perspective on immigration laws, corrections policies, and their role in regional cooperation.
Ministry of Justice and Correctional Services (SA)	Purposive sampling - 5 participants	Emailed Structured interviews	
Portfolio Committees (Justice and State Security)	Purposive sampling - 4 participants	Face to face Interviews	To understand on government actions, accountability, and how they influence policies for effective implementation and resource utilization towards ZPCS.
Ministry of Foreign Affairs (Zim)	Purposive sampling - 5 participants	Face to face Structured interviews	To explore how foreign relations influence immigration laws, cross-border movements, and regional cooperation on immigration within the penitentiary context
Ministry of Foreign Affairs (SA)	Purposive sampling - 5 participants	Emailed structured interviews and document analysis	
Ministry of Home Affairs (Zim)	Purposive sampling - 5 participants	Face to face Structured interviews	To understand how the Ministry of Home Affairs coordinates immigration control

Ministry of Home Affairs (SA)	Purposive sampling - 5 participants	Emailed structured interviews and document analysis	and cross-border cooperation within the penitentiary system.
VSO (Voluntary Services Overseas) and Social Welfare	Purposive sampling - 4 participants	Structured interviews or focus group discussions	To gain insights into the role of voluntary organizations and social welfare in supporting the rehabilitation of illegal immigrants within the correctional system.
Immigration Authorities (National and Regional (Zim))	-Purposive sampling Structured 10 participants interviews	interviews	To understand how immigration authorities perceive and address the issues of illegal immigration within the correctional services context, focusing on regional cooperation
Immigration Authorities (National and Regional (SA))	-Purposive sampling Structured 10 participants	Telephone interviews and document analysis	

The study employed a mixed-methods approach to gather data, including surveys to collect quantitative information on knowledge and perceptions, particularly from ZPCS staff, South African Correctional Services, and relevant ministries. Qualitative insights were obtained through interviews and focus groups with senior officials, ministry representatives, VSO members, social welfare workers, and illegal immigrants within correctional facilities. Additionally, document reviews were conducted to analyse existing policies and protocols, assessing the integration of immigration laws into the penitentiary systems and regional cooperation frameworks.

3.8 Data Presentation and Analysis Techniques

3.8.1 Data Analysis

In presenting the qualitative and quantitative data, the research utilized a structured approach to ensure clarity and coherence in the results, aligning with the principles of mixed methods research (Vukojevic 2016). The data was analysed using tools and methods specifically suited to each type of data, enabling comprehensive interpretation and integration of findings.

Quantitative data was collected through structured surveys distributed to a sample of 100 participants, including correctional officers, social workers, and immigration officials. The data was analysed using descriptive statistical tools such as frequencies, percentages, and cross-tabulations. Software such as SPSS (Statistical Package for the Social Sciences) was employed to organize and present the data in tables and graphs, facilitating a clear understanding of patterns and distributions within the dataset. Descriptive statistics provided a snapshot of key metrics such as the proportion of inmates who are illegal immigrants, their countries of origin, and the types of offenses leading to incarceration. These statistical summaries were instrumental in illustrating trends and supporting comparative analysis between the ZPCS and SACS (Bryman, 2016).

For the qualitative component, data was gathered through semi-structured interviews and focus group discussions with 100 participants, including senior correctional officers, frontline staff, and social workers with direct experience in handling illegal immigrants. The data was transcribed and subjected to thematic analysis using NVivo software, which facilitated the coding process and identification of recurrent themes. This approach involved reading through the data multiple times to pinpoint significant patterns and insights (Christou, 2022). Themes related to challenges in handling illegal immigrants, resource allocation, policy implementation, and cross-border collaboration were highlighted and mapped to the research objectives.

3.9 Tools for Data Analysis

3.9.1 Quantitative Analysis Tools

Used to conduct descriptive statistics, including calculating means, percentages, and frequency distributions. These outputs provided a numerical summary of survey responses, making it easier to identify general trends and differences between the Zimbabwean and South African

correctional services. Supported data visualization through charts and graphs, which enhanced the presentation and made comparative insights more accessible to stakeholders (Tashakkori and Teddlie, 2010).

3.9.2 Qualitative Analysis Tools

This software facilitated the organization and analysis of textual data by enabling researchers to create nodes and categorize data into themes. NVivo's capabilities in coding and linking related concepts allowed for deeper examination of the interview transcripts, ensuring that themes were consistently and accurately represented.

The analysis followed Nowell et al. (2021) systematic approach to thematic analysis, which included familiarization with the data, generating initial codes, searching for themes, reviewing themes, and defining and naming them. This process ensured that the qualitative findings were grounded in participants real experiences, providing context and depth to the numerical data.

The integration of quantitative and qualitative findings was conducted during the interpretation phase. Descriptive statistics from the survey results provided a backdrop for the qualitative insights, allowing for a comprehensive understanding of the research questions. For instance, while survey data quantified the scale of challenges related to illegal immigrants, thematic analysis offered nuanced explanations behind these challenges, such as resource strain or procedural hurdles, which added depth to the numerical findings (Christou, 2022).

3.10 Validity and Reliability

To ensure validity, this study uses data triangulation by including various sources like surveys, interviews, and policy documents. Triangulation enhances the credibility of the findings by confirming information through different methods and perspectives (Skinner, Edwards, & Smith (2020). The research tools are also pilot-tested and improved to ensure that the survey and interview questions accurately capture the needed information (Korstjens and Moser, 2021).

Reliability is maintained by using standardized data collection procedures and consistent methods for surveys and interviews, allowing for repeatable results in similar studies (Zohrabi, 2020; Saunders et al., 2021). The study applies clear coding procedures for thematic analysis, reducing interpretation bias and improving the consistency of qualitative data analysis (Ys, L. (1985).

3.11 Ethical Considerations

Ethical considerations include informed consent, confidentiality, and participants' right to withdraw from the study at any time. Participants are fully informed about the purpose and methods of the research and are assured that their identities will remain anonymous (Roberts et al., 2020; Bryman and Bell, 2021). The study follows all relevant ethical guidelines to protect the rights and well-being of participants (Gelling, 2021).

When conducting research, it is essential to prioritize ethical considerations to ensure the protection and respect of participants. These ethical considerations not only safeguard participants' rights but also enhance the credibility and integrity of the research. Here's a more detailed expansion on these key ethical aspects:

3.11.1 Informed Consent

Informed consent is a fundamental principle in research ethics, where participants are given clear, comprehensive, and understandable information about the study before agreeing to take part. This ensures that participants are aware of:

- The purpose of the study, including what the research aims to explore or discover.
- The methods that will be used, such as data collection techniques (e.g., interviews, surveys, or observation).
- The potential risks involved, both physical and emotional, although minimal in most social research.
- The benefits to participants, if any, or the potential broader impact of the research (e.g., contributing to policy changes or improving practices in a specific area).
- The duration of their participation and any procedures that occur throughout the study.
- Participants must voluntarily agree to participate without any coercion or manipulation, understanding they can withdraw at any point without facing any penalties (Roberts et al., 2020). In the context of vulnerable populations, such as inmates or marginalized communities, this process needs extra care to ensure participants fully understand what they are consenting to.

3.11.2. Confidentiality

Confidentiality is central to ethical research practice, ensuring that the privacy of participants is protected. Researchers are required to:

- **Protect participants' identities:** This is achieved by anonymizing personal information in reports, publications, or any other dissemination of findings. Identifiable information should be kept separate from the data being analysed.
- **Secure data storage:** Personal information and data collected from participants should be stored in a secure manner, either electronically (e.g., encrypted files) or physically (e.g., locked cabinets), accessible only to the research team.
- **Limit disclosure:** Any sensitive or personal information should be shared only with explicit permission, and only in aggregated form when necessary for the research analysis.
- Confidentiality is critical to maintaining trust between the researcher and participants, ensuring that their involvement in the study does not lead to any unintended consequences, such as stigmatization or legal repercussions (Bryman & Bell, 2021).

3.11.3. Participants' Right to Withdraw

Ethical research ensures that participants have the right to withdraw from the study at any time without any adverse consequences. This is a key aspect of respecting participants' autonomy and freedom:

- Participants must be informed of their right to withdraw right from the beginning, and this right should be emphasized at regular intervals throughout the study.
- Withdrawal should be as simple as possible, with no need to provide a reason or justification.
- If a participant withdraws, their data should either be excluded from the study or destroyed if they wish, unless their data has already been anonymized or aggregated.
- This right is especially important in situations where participants feel vulnerable or pressured to continue, such as when dealing with institutionalized populations, like prisoners.

Ensuring voluntary participation without coercion aligns with the ethical principle of autonomy (Gelling, 2021).

3.11.4. Ethical Guidelines and Safeguards

Ethical guidelines are put in place by institutions, governments, and ethical review boards to ensure that research is conducted with respect for human dignity and rights. These guidelines often include:

- **Most research projects**, especially those involving human participants, must undergo a review by an ethics committee or institutional review board (IRB). This review process ensures that all aspects of the study, including the methods, risks, and consent process, meet ethical standards.
- **Monitoring and reporting:** Throughout the study, researchers must continue to monitor ethical practices and ensure participants are treated with respect and fairness. If any unforeseen risks arise, appropriate measures must be taken to mitigate harm and inform participants accordingly.
- **Cultural sensitivity:** Researchers should also consider the cultural contexts of the participants, particularly in cross-cultural research. Respecting cultural norms and values helps build trust and ensures that research practices are not harmful or exploitative (Gelling, 2021).

3.12 Chapter Summary

This chapter concentrated on the research methodology. It discussed the research philosophy, including the population and sample, research approach, research design, research population, data population, sample and sampling techniques, data collection matrix, data presentation and analysis data analysis and validity and reliability, as well as ethical considerations. Then next is Chapter four focusing on data presentation and discussion.

CHAPTER IV

DATA PRESENTATION, AND DISCUSSION OF RESEARCH FINDINGS

4.1 Introduction

This chapter is dedicated to presenting and discussing the data collected from respondents through a questionnaire. The research findings were systematically presented in alignment with the key objectives, supported by a comprehensive comparative analysis and empirical evidence from South Africa and Zimbabwe's penitentiary systems. The presentation was shaped by a qualitative comparative research methodology that provided an in-depth examination of practices and implications.

The study began by analysing the legal frameworks governing the treatment of illegal immigrants in the penitentiary systems of both countries, revealing both similarities and differences. This involved examining national laws, international treaties, and policy documents to demonstrate how these legislative instruments influence incarceration practices and their practical effects.

Next, a comparative assessment of the penitentiary protocols and procedures for handling illegal immigrants was conducted. This included examining intake processes, classification methods, and detention conditions. Data were juxtaposed to highlight differences in administrative practices, levels of adherence, and impacts on detainees. The presentation of this stage was enhanced by case studies and interviews with different stake holders.

The research then evaluated the impact of detaining illegal immigrants on correctional resources, uncovering significant operational challenges such as budget constraints and facility overuse. This analysis highlighted differences in resource allocation and management between the two countries, using statistical data and institutional reports to pinpoint areas of inefficiency.

Following this, the study investigated the human rights implications of current penitentiary practices, uncovering key issues like overcrowding, detainee treatment, and legal protections. The presentation included references to documented violations and best practices, supported by testimonies from inmates and international human rights reports, emphasizing affected individuals' experiences through a case-study approach.

Challenges faced by correctional services were identified next, including logistical issues, limited funding, and staff training shortages. The study also highlighted best practices, such as specific rehabilitation programs and collaborations with NGOs. These findings were informed by stakeholder feedback and expert analyses, demonstrating adaptive strategies used by each country's system.

The need for policy reform was then assessed, identifying areas requiring legislative and procedural updates to better manage the population of illegal immigrants. The comparative analysis underscored shared reform priorities while also recognizing specific recommendations for each country, supported by policy review sessions and expert discussions.

The research approach, combining qualitative comparative analysis with case studies and interviews, influenced how the findings were presented. This multi-dimensional perspective enabled a seamless integration of theoretical insights with field data, ensuring the presentation was cohesive and actionable. The exploratory design supported both descriptive and evaluative findings, leading to well-founded policy recommendations.

4.2 Data Presentation Approach

In this research, a descriptive data presentation technique was employed to provide a comprehensive overview of findings related to *Illegal Immigrants and Their Implications in Penitentiary Protocols in SADC: A Comparative Analysis of South Africa Correctional Services and Zimbabwe Prisons and Correctional Services (ZPCS)*. This method emphasized qualitative descriptions enriched with quantitative insights to ensure a holistic understanding of the subject matter.

The approach began with the systematic collection of both primary and secondary data through surveys, interviews, and reviews of official reports and literature. Each question was explored in detail, with the descriptive analysis focusing on contextual explanations and trends observed during data collection.

To enhance the clarity and accessibility of the research findings, visual tools such as pie charts, bar charts, histograms, and tables were integrated. Pie charts were used to present proportional data, such as the distribution of immigrant nationalities or the ratio of male to female illegal immigrants in the prison population. Bar charts provided a comparative view, highlighting differences in the number of incarcerated illegal immigrants across different SADC regions or contrasting the protocol in South Africa and Zimbabwe. Histograms illustrated frequency

distributions, such as the range of sentences typically given to illegal immigrants, while tables summarized key statistical data, such as demographic details and recidivism rates.

The combined use of these visual aids facilitated a clearer interpretation of complex data, helping to underscore significant patterns and correlations. This not only made the findings more digestible but also supported an evidence-based discussion on how illegal immigration influences penitentiary policies and rehabilitation strategies in the SADC region. The descriptive nature of the data presentation allowed for in-depth commentary on the socio-political implications and operational challenges faced by correctional facilities, creating a nuanced narrative that aligned quantitative data with qualitative insights.

4.3 Demographic characteristics

4.3.1 Response Rate

The study included 200 people, including staff from the Zimbabwe Prisons and Correctional Services, the South African Correctional Services, and workers from Social Welfare and Immigration in Zimbabwe. 100 questionnaires were distributed to the respondents, with 98 questionnaires being returned, constituting a response rate of 96% from the study sample as indicated by Table 4.1 below. However, in order to validate the outcomes, the researcher conducted interviews with Zimbabwe Prisons and Correctional Services, South African Correctional Services, Zimbabwe Immigration Officers and Social Welfare staff.

Table 2 : Response Rate

Questionnaires	Frequency	Percentage (%)
Administered	100	100%
Completed and returned	98	96%
Not returned	2	4%
Interviews conducted	100	100%

Table 2 shows that 98 out of 100 questionnaires given to participants were filled out and returned, resulting in a high return rate of 96%. On the other hand, 2 questionnaires were not returned, making up 4% of the total. This high return rate suggests a positive response from

participants, supporting Cohen et al. (2018)'s claim that response rates above 50% are adequate for drawing meaningful conclusions.

4.3.2 Respondents Demographic Information

Of the participants, 53% were men and 47% were women. In terms of age, 25% were between 25 and 35 years old, 40% were between 36 and 45 years old, and 35% were over 45. This shows a mix of viewpoints, with a lot of experience and knowledge about dealing with illegal immigrants in the prison systems of both countries.

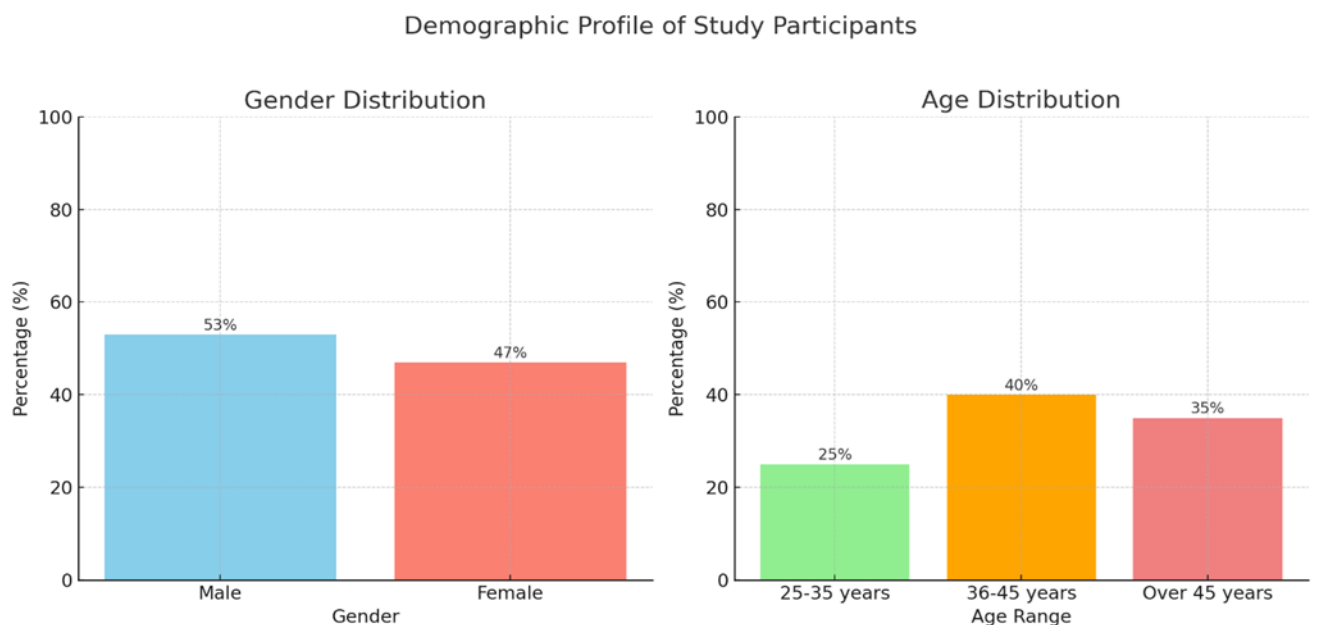


Figure 2 Demographic Profile of Study Participants: *Primary Source 2024*

4.4 Period Employed by Zimbabwe Prisons and Correctional Services and South African Correctional Services

The analysis of how long people have been employed showed that 35% of workers in SACS had been there for over ten years, while 30% of ZPCS staff said the same. In SACS, 25% had worked for 5 to 10 years, while 35% of ZPCS staff were in that same range. Also, 40% of workers from Social Welfare and Immigration had less than five years of experience. These results suggest that SACS might be helped by having more experienced workers, which could improve how they handle the challenges of illegal immigrants.

SACS and ZPCS Employment Duration

Period of employment	SAC percentage %	ZPCS Percentage
➤ 5 years	40%	35%
5 years to 10 years	25%	35%
10 years and above	35%	30%

Table 3: employment duration table

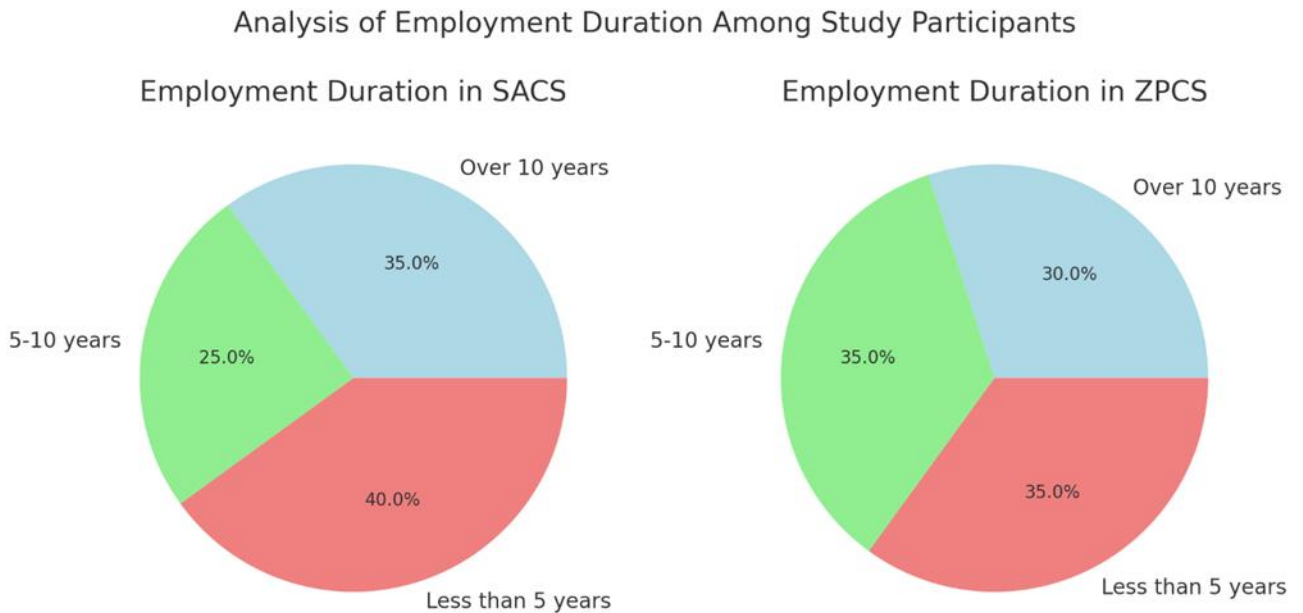


Figure 3 Employment Duration : Primary Source 2024

Above is a set of pie charts illustrating the employment duration for participants from SACS and ZPCS

4.5 Level of Education

The educational backgrounds of respondents in this study varied significantly across different groups, including South African Correctional Services (SACS), Zimbabwe Prisons and Correctional Services (ZPCS), Immigration Officers, Lawmakers, and NGO Members. These differences are important for understanding how laws and policies regarding the treatment of illegal immigrants are enforced in both countries.

Table 3: Level of Education: Primary Source

Group	College Degrees (%)	Secondary School (%)	Primary Education/Technical Training (%)	Key Insights
SACS Staff (South African Correctional Services)	60% (Law, Criminology, Related Fields)	35%	5% (Primary/Technical Training)	SACS staff have a higher proportion of college-educated employees, which suggests a better understanding of immigration laws and policies, and greater access to formal training and resources for managing detention and deportation of illegal immigrants.
ZPCS Staff (Zimbabwe Prisons and Correctional Services)	45% (Law, Criminology)	35%	20% (Primary/Technical Training)	ZPCS staff have a lower percentage of college-educated employees compared to SACS, indicating a gap in formal training on immigration laws and human rights protocols, potentially hindering the effective management of illegal immigrants.
Immigration Officers	55% (Immigration Law, Public Administration, Related Fields)	30% (Diplomas/Technical Certificates)	15% (Secondary School, On-the-job Training)	Immigration Officers are well-educated in immigration laws and policies, providing them with the knowledge to manage complex immigration issues, though gaps in training or professional development opportunities exist.
Lawmakers (Government Officials and Legislators)	85% (Law, Political Science, Public Policy, Administration)	10% (Postgraduate Studies: Masters/PhD)	5% (Diplomas/Secondary School, Politics)	Lawmakers have strong educational backgrounds in law and political science, enabling informed decisions on immigration policy and reforms. However, their ability to implement policies effectively depends on collaboration with other stakeholders.

Group	College Degrees (%)	Secondary School (%)	Primary Education/Technical Training (%)	Key Insights
NGO Members	50% (Social Work, Law, Human Rights)	35% (Community Development, Public Health, Social Sciences)	15% (Secondary School, Advocacy, Social Services)	NGO members are well-educated in social sciences and human rights, enhancing their advocacy for better treatment of illegal immigrants. Educational disparities limit their influence in policy discussions.

Table 4: level of education table

SACS staff have a higher proportion of college-educated employees compared to ZPCS, which lead to a better understanding and application of immigration laws and policies. In contrast, ZPCS staff’s lower levels of formal education and training could hinder their effectiveness in managing illegal immigrants, particularly in relation to legal procedures and human rights standards. Immigration Officers, on the other hand, possess strong educational foundations in immigration law, making them crucial for enforcing related regulations. Lawmakers, with their high level of education, are capable of understanding complex legal frameworks, but the effective implementation of policies requires cooperation from other stakeholders. Finally, NGO Members, with their focus on human rights and social justice, are well-positioned to advocate for systemic change, although educational disparities among them limit their influence on policy decisions.

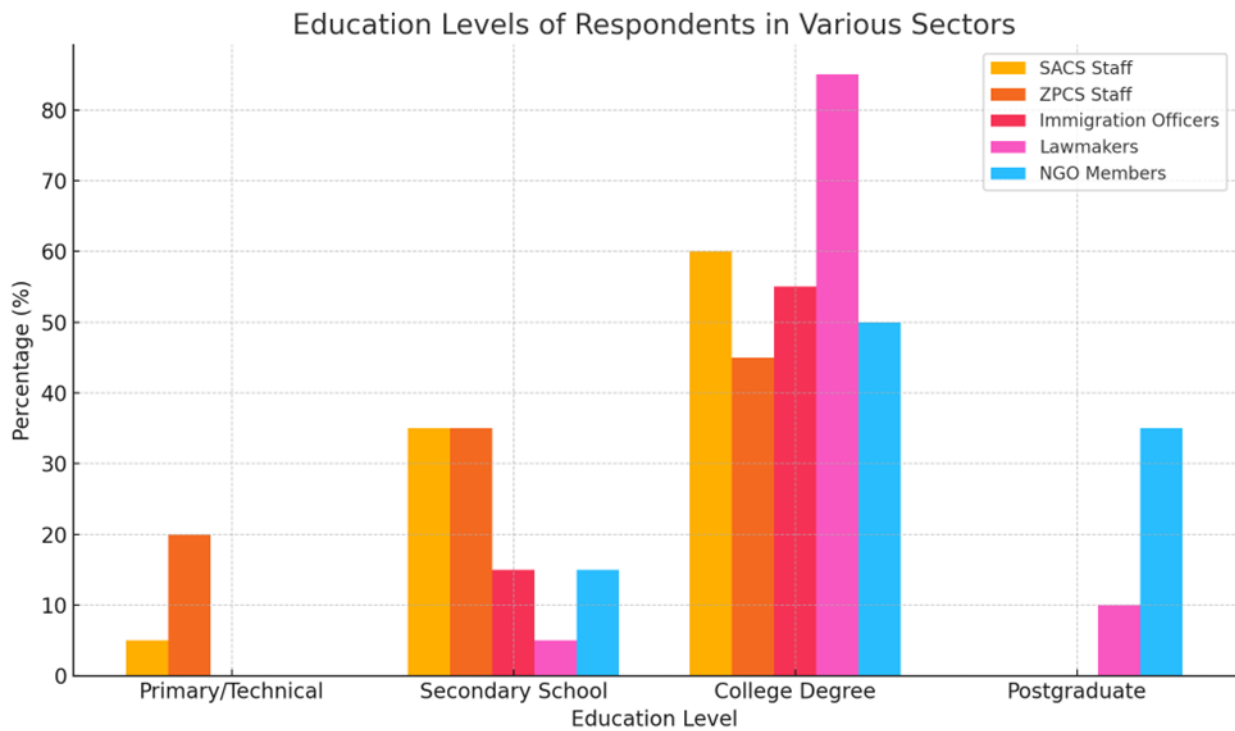


Figure 4: Education Level of respondents: *Primary Source 2024*

4.6 Findings, Discussions and Analysis

4.6.1 To analyse the legal frame works governing the treatment of the illegal immigrants within the penitentiary systems of South Africa and Zimbabwe.

South African lawmakers, many of whom hold advanced degrees in law and political science, demonstrate a strong understanding of immigration law and the treatment of illegal immigrants. With 85% of lawmakers possessing university degrees, a significant portion specializing in law or public policy, they are well-equipped to shape and interpret immigration policies. However, despite their educational qualifications, the effective implementation of these policies is often hindered by limited cooperation between agencies and a lack of political will. While lawmakers play a crucial role in drafting and revising immigration laws, successful implementation requires collaborative efforts from correctional services, immigration officers, and civil society (Ngwenya, 2021; Smith, 2022).

South African Correctional Services (SACS) staff exhibit a relatively high level of knowledge regarding immigration law, with 60% holding college degrees in criminology, law, or related fields. However, the challenge lies in applying these frameworks within the context of overcrowded correctional facilities, where legal protections for illegal immigrants can be compromised (Khumalo, 2022). This indicates that while SACS staff possess theoretical

knowledge, operational constraints often limit their capacity to implement these laws effectively. Immigration officers in South Africa, with 55% holding degrees in relevant fields such as immigration law and public administration, are well-prepared to enforce immigration laws. However, gaps in training and professional development can lead to inconsistencies in the application of detention conditions and deportation procedures (VSO Report, 2023).

NGOs in South Africa, such as VSO, advocate for the human rights of illegal immigrants, with 50% of NGO staff holding college degrees in social work, law, or human rights. These organizations are positioned to challenge legal and procedural shortcomings in immigrant treatment. However, despite their strong educational backgrounds, NGOs face difficulties in influencing policy, especially when there is a lack of alignment with government priorities or political resistance to reforms (VSO Report, 2023).

In Zimbabwe, lawmakers are similarly well-educated, with 85% holding university degrees, mostly in law and political science. While they are equipped to understand immigration law and human rights, political will, resource allocation, and interdepartmental cooperation often hinder the creation of effective immigration policies. According to Chikoko (2022), Zimbabwe's lack of comprehensive immigration reform has left significant gaps in the legal treatment of illegal immigrants. ZPCS staff face similar challenges to SACS, with only 45% holding college degrees in criminology or law. This knowledge gap leads to inconsistent practices, particularly in the treatment of illegal immigrants. ZPCS staff often lack the necessary resources and training to implement human rights protocols effectively, which negatively impacts detainee treatment (Chiwara, 2023).

Like their South African counterparts, Zimbabwe's immigration officers are well-educated, with 55% holding university degrees in immigration law or related fields. However, gaps in training and professional development hinder the practical application of immigration laws, particularly in managing illegal immigrant populations effectively (Khumalo, 2022).

VSO members in Zimbabwe, like those in South Africa, hold strong educational qualifications in law, human rights, and social work, with 50% of members holding college degrees. These members work to ensure better treatment of illegal immigrants and advocate for respect for their legal rights. However, their ability to influence policy is constrained by the lack of legislative power and limited resources. VSO's role in raising awareness and advocating for reforms is critical but limited by these constraints (VSO Report, 2023). Social welfare officers in Zimbabwe, who play a key role in ensuring the welfare of illegal immigrants, often lack

formal higher education. Only 35% hold diplomas, and the remaining 65% possess secondary school qualifications or receive on-the-job training. This disparity restricts their ability to navigate the complexities of immigration and human rights law, hindering their advocacy for illegal immigrants within the correctional system (Dube, 2023).

The comparative analysis of the knowledge and education of stakeholders involved in the governance and treatment of illegal immigrants reveals both strengths and gaps that impact operational effectiveness and the protection of human rights. Lawmakers in both South Africa and Zimbabwe possess a high level of education and can understand complex legal frameworks, yet the implementation of these frameworks often falters due to political and operational challenges. The effectiveness of immigration law, therefore, depends not only on lawmakers' knowledge but also on their ability to secure cross-sector cooperation, as demonstrated by the model: $E = ((EL + ES + EI + EN) \times C \times PW) - ((R + O) \times (1 - T))$. As the values of EL, ES, EI, and EN increase, the ability to implement policies effectively improves, provided there is good coordination and political will. Increased resources and better training lead to higher effectiveness, but operational challenges such as overcrowding and resource shortages hinder success. The interaction of these factors is crucial to the success of the immigration framework in both countries.

SACS and ZPCS, despite varying levels of staff education, face challenges in applying immigration laws effectively due to resource limitations and overcrowded facilities. While SACS staff are better educated, their ability to enforce immigration laws is hindered by physical and financial constraints within the system. ZPCS, with fewer staff holding college degrees, faces greater challenges in aligning practices with international human rights standards, leading to inconsistent treatment of illegal immigrants. Immigration officers in both countries are better prepared, with the majority holding degrees in immigration law and public administration. They play a key role in enforcing immigration laws but face challenges due to gaps in professional development or inconsistent resources across regions.

NGOs, particularly VSO, are essential in advocating for the rights of illegal immigrants and pushing for reforms. However, they face limitations in influencing policy directly due to their lack of legislative power and limited resources. Ultimately, there is a clear need for enhanced interagency coordination, continuous professional development, and a focus on human rights to improve the treatment of illegal immigrants in both countries. While education is an important factor, it is only one component of a broader system that includes resource allocation, political will, and international cooperation. Training programs, policy reforms, and

collaboration between different stakeholders, including government agencies, NGOs, and international organizations, are essential for ensuring better management and protection of the rights of illegal immigrants within the correctional systems of South Africa and Zimbabwe.

ii. Similarities and Differences in SACS and ZPCS Protocols in handling illegal immigrants

Responses and perspectives from various stakeholders, including lawmakers, NGOs, and correctional services, reveal both commonalities and differences in how South Africa (SACS) and Zimbabwe (ZPCS) address the issue of illegal immigrants within their penitentiary protocols. Each group provides valuable insights into the strengths, challenges, and areas that need improvement in both systems.

South Africa's Ministry of Justice emphasized that SACS operates with a well-structured, frequently updated set of protocols designed to address the complexities of immigration and comply with international standards. An official stated, "Our protocols include specific measures for the humane treatment of illegal immigrants, such as separate housing, access to legal support, and strict adherence to human rights principles, which are vital given the large number of migrants in our facilities." In contrast, Ministry of Justice, Legal and Parliamentary Affairs acknowledged that while ZPCS strives to uphold human rights, its protocols are less detailed and less frequently updated. A Zimbabwean official remarked, "Zimbabwe's legal framework is simpler, influenced by lower migration rates, which means our protocols are less developed. However, we recognize the need for reform to create clearer guidelines that ensure consistency and adherence to international law."

The Ministry of Home Affairs in South Africa emphasized the importance of integrated, cross-departmental collaboration to effectively manage illegal immigration. One official explained, "SACS works closely with immigration authorities, police, and social welfare services, ensuring a holistic approach to managing illegal immigrants within correctional facilities. This coordination strengthens protocol implementation." In contrast, Zimbabwe's Ministry of Home Affairs acknowledged that such coordination is not as robust. One representative noted, "Our inter-agency cooperation is not as strong as South Africa's, and this impacts the consistency of our protocols. Strengthening partnerships with other government bodies and international organizations could help us bridge this gap and improve our management of immigrant detainees."

South Africa's Ministry of Foreign Affairs highlighted the significance of aligning penitentiary protocols with international human rights standards, emphasizing, "Strong diplomatic ties and collaboration with international organizations allow us to adapt our correctional practices according to global best practices." This helps SACS meet the needs of illegal immigrants while fulfilling international obligations. In contrast, Zimbabwe's Ministry of Foreign Affairs expressed a more cautious view, acknowledging the importance of international standards but recognizing that limited resources pose a challenge. A representative said, "We need to incorporate international standards more fully into our protocols. Collaborating with international organizations and learning from regional counterparts like South Africa could enhance our framework."

VSO, stressed the importance of clear, structured protocols to safeguard the rights of illegal immigrants. A VSO representative commented, "SACS demonstrates that having explicit guidelines for housing, legal aid, and cultural sensitivity can prevent human rights abuses and ensure fair treatment. ZPCS, however, lacks these comprehensive measures, which leads to inconsistencies and potential rights violations." VSO called for both countries to strengthen training and implement more uniform, rights based protocols to protect vulnerable populations in correctional facilities.

SACS officials expressed confidence in their structured approach, stating, "Our clear, well-defined protocols help maintain order and protect detainees' rights. Regular staff training ensures consistent implementation of these protocols." They noted that SACS' practices align closely with international human rights standards, due to South Africa's role as a major migration destination.

In contrast, ZPCS officials acknowledged their challenges, including limited resources and less comprehensive protocols. One representative said, "Unlike SACS, our protocols are not specifically designed for handling illegal immigrants, leading to varied practices across facilities. We aim to improve by introducing clearer, detailed procedures and better training to align with international standards". ZPCS officials highlighted the need for increased funding and external support to implement these changes effectively.

The similarities and differences in how SACS and ZPCS manage illegal immigrants reveal significant insights, informed by responses from stakeholders, literature, and observations of institutional practices. Both systems share the goal of upholding human rights in their

correctional protocols, but their approaches are shaped by various contextual and structural factors, showing notable differences.

Stakeholder feedback shows that SACS operates with a well-structured and frequently updated set of protocols, designed to address the challenges of illegal immigration while aligning with international standards. The Ministry of Justice in South Africa emphasized that SACS focuses on detailed guidelines for humane treatment, including separate housing, access to legal support, and adherence to human rights principles. This is supported by research on international corrections standards (Coyle, 2002), which highlights the importance of comprehensive procedural frameworks for managing foreign nationals in correctional facilities. The regular updates to SACS' protocols are critical due to the country's high volume of immigrants and its role as a regional migration hub.

In contrast, Ministry of Justice, Legal and Parliamentary Affairs noted that while ZPCS aims to align with human rights standards, its protocols are simpler and less frequently updated, due to lower migration rates. Research on migration and security dynamics in Africa (Ikuteyijo, 2013) points out that countries with fewer migrants often have less elaborate detention protocols, focusing more on general correctional management than specialized immigration-related procedures. A Zimbabwean official recognized the need for reform to establish clearer, more consistent guidelines that adhere to international standards.

The Ministry of Home Affairs in South Africa stressed the importance of integrated, cross-departmental collaboration in managing illegal immigrants effectively. This holistic approach, involving coordination with immigration authorities, police, and social services, strengthens the implementation of correctional protocols. This aligns with the concept of multi-agency cooperation in collaborative public management (Agranoff and McGuire, 2003), which suggests that such integration leads to more effective governance. In contrast, Zimbabwe's Ministry of Home Affairs acknowledged the limited strength of its inter-agency cooperation, recognizing that strengthening partnerships with government bodies and international organizations could improve ZPCS's ability to manage immigrant detainees.

The Ministry of Foreign Affairs in South Africa emphasized the alignment of penitentiary protocols with international human rights standards, supported by diplomatic relationships and collaboration with global organizations. This alignment ensures that SACS incorporates best practices into its correctional system, ensuring compliance with international obligations. Canton, (2021), highlights the importance of integrating human rights standards into local

protocols for the humane treatment of migrants. Zimbabwe's Ministry of Foreign Affairs acknowledged the need for more comprehensive incorporation of international standards, while also noting that resource limitations pose challenges to implementing these standards fully.

NGOs, like VSO, have strongly advocated for the adoption of clear and structured protocols to protect illegal immigrants' rights. A VSO representative noted that SACS' established guidelines, including housing, legal aid, and cultural sensitivity, help prevent human rights abuses. The literature on rights-based approaches in correctional services (UNODC, 2010) supports this, emphasizing that well-defined procedures reduce the risk of rights violations. VSO criticized ZPCS for its lack of comprehensive protocols, leading to inconsistencies and potential rights abuses, and called for enhanced training and protocol strengthening.

SACS officials expressed confidence in their structured approach, noting that well-defined protocols are essential for maintaining order and safeguarding detainee rights. Regular training for staff ensures consistent application of these protocols, reflecting South Africa's status as a key migration destination where adherence to human rights standards is critical.

In contrast, ZPCS officials acknowledged the limitations of their system, citing the lack of specialized protocols and resource constraints. One representative mentioned that, unlike SACS, ZPCS does not have protocols specifically tailored to illegal immigrants, resulting in inconsistencies across its facilities. This situation is described in the *African Journal of Criminology and Justice Studies* (Ndebele and Roberts, 2015), which discusses how resource constraints and less comprehensive legal frameworks contribute to uneven practices. ZPCS officials expressed a commitment to improving their system through clearer, more detailed procedures and better staff training, emphasizing the need for increased funding and external support for successful implementation.

Both SACS and ZPCS are dedicated to improving the treatment of illegal immigrants and complying with international human rights standards, though their approaches differ significantly. SACS benefits from regularly updated protocols, strong cross-departmental collaboration, and comprehensive training, positioning it as a regional leader. In contrast, ZPCS faces challenges related to less defined protocols and inconsistent implementation, primarily due to resource constraints and a simpler legal framework. Overcoming these challenges will require strategic investments, enhance inter-agency cooperation, and increase international support to strengthen ZPCS's capacity to manage immigrant detainees effectively and humanely.

4.6.2 To assess how detention of illegal immigrants impacts the resources management and efficiency of correctional facilities in both countries.

Responses and opinions from stakeholders, including ministries, NGOs, and correctional services, underscore the impact of detaining illegal immigrants on the allocation and utilization of resources within correctional facilities in South Africa and Zimbabwe. These insights highlight both common and divergent challenges faced by the two countries.

The Ministry of Justice in South Africa highlighted that the detention of illegal immigrants significantly strains the country's correctional resources. A South African official remarked, "Our correctional facilities are often operating at or above capacity, and the influx of illegal immigrants exacerbates the demand for housing, food, and healthcare. This situation requires careful resource management to balance the needs of both the domestic prison population and migrant detainees." The official also pointed out that addressing these challenges necessitates additional funding and policy adaptations to prevent overcrowding and ensure compliance with human rights standards.

Ministry of Justice, Legal and Parliamentary Affairs echoed similar concerns but noted that the impact on resources is less pronounced due to the lower number of detained illegal immigrants. "While the pressure on resources is not as severe as in South Africa, any increase in the number of illegal immigrants does strain our limited capacity and budget. This diverts resources from other essential services, impacting the overall efficiency of the correctional system," a Zimbabwean official explained. The Ministry called for more support and strategic planning to manage potential increases in detainee numbers.

The Ministry of Home Affairs in South Africa underscored the importance of interdepartmental cooperation in mitigating the resource strain caused by detaining illegal immigrants. An official stated, "Collaboration between immigration authorities and correctional services is essential for optimizing resources. By streamlining processes such as deportation and legal assessments, we can reduce the time illegal immigrants spend in correctional facilities and free up resources for other pressing needs."

Zimbabwe's Ministry of Home Affairs emphasized the challenges related to limited inter-agency collaboration. "Our correctional facilities often lack the benefit of coordinated efforts with other departments, which can lead to inefficiencies and prolonged detentions. This hampers the effective allocation of resources and increases operational costs," an official noted.

They advocated for enhanced partnerships with government agencies and international organizations to streamline operations and reduce resource burdens.

South Africa's Ministry of Foreign Affairs highlighted the economic and diplomatic implications of detaining large numbers of illegal immigrants. "The strain on correctional resources can impact our international image and our relations with neighbouring countries. Ensuring that we manage detainees humanely and in line with international standards is crucial for maintaining diplomatic goodwill and fulfilling our obligations under international law," a representative stated.

The Zimbabwean Ministry of Foreign Affairs shared a pragmatic viewpoint, acknowledging that while the current impact on resources is moderate, future changes in migration patterns could alter this. "We must be proactive in developing resource management strategies that align with international expectations and ensure humane treatment," a ministry representative said.

The Zimbabwe portfolio committee acknowledged that the detention of illegal immigrants significantly impacts resource allocation and utilization within correctional facilities, leading to overcrowding, strained budgets, and challenges in maintaining basic standards of care. It calls for enhanced collaboration between the Zimbabwe Prisons and Correctional Services (ZPCS), immigration authorities, and relevant ministries to streamline processes, reduce detention periods, and optimize resources. The committee further advocates for regional partnerships within SADC to address migration pressures and ensure efficient management of resources while upholding detainees' rights and facility standards.

VSO pointed out the significant strain that the detention of illegal immigrants' places on correctional facilities in both countries, with more acute effects in South Africa. "The detention of migrants without sufficient resources can lead to poor living conditions and rights violations," a VSO representative stated. "We have seen that when resources are stretched thin, detainees often lack adequate access to basic services such as healthcare, which exacerbates the potential for human rights concerns." VSO called for greater international support and funding to help both SACS and ZPCS manage these challenges more effectively.

SACS officials acknowledged that managing illegal immigrants requires substantial resources, including dedicated staff training, separate housing, and specialized services. "Allocating resources for this specific population is challenging, especially when combined with the general high levels of overcrowding in our facilities," a senior SACS official explained. They

emphasized the importance of ongoing government support and international partnerships to bolster their capacity.

ZPCS officials expressed that while the scale of impact is smaller, it is still significant given the limited resources available. “Our correctional system already faces constraints, and the addition of detained illegal immigrants only compounds these issues,” a ZPCS representative noted. They highlighted the need for targeted funding and policy reforms to improve the capacity for managing this group without compromising the well-being of the broader prison population.

The detention of illegal immigrants significantly impacts the allocation and utilization of resources in correctional facilities in both South Africa and Zimbabwe. While both countries face similar resource constraints, the extent and particular challenges differ, as indicated by feedback from various stakeholders, including government ministries, NGOs, and correctional services. The insights reveal the complex nature of managing correctional resources amid an increasing number of detained illegal immigrants.

In South Africa, the Ministry of Justice has highlighted that the influx of illegal immigrants exacerbates already high levels of overcrowding in correctional facilities. This pressure intensifies the demand for housing, food, and medical care, thus straining the available resources (Department of Justice, 2023). As observed, correctional institutions often operate at or above their capacity, making the management of these detainees a substantial challenge. Overcrowded facilities can lead to compromised living conditions, greater difficulty in maintaining security, and heightened inmate tensions, requiring additional funding and policy adaptations to meet human rights standards (Ngwenya, 2021).

Zimbabwe faces a similar but less severe problem, attributed to a smaller number of detained immigrants. Despite this, the limited capacity of the Zimbabwe Prisons and Correctional Services (ZPCS) means that even minor increases in the prison population can stretch resources thin and divert funding from essential services (Makombe, et al 2023). This diversion impacts the overall effectiveness and efficiency of correctional management. Ministry of Justice, Legal and Parliamentary Affairs has called for strategic planning and additional support to prepare for potential future increases in detained immigrants, emphasizing that the current resource allocation system is already under strain (Mubona, & Muchenje, (2023).

The role of interdepartmental collaboration is pivotal in addressing these challenges. In South Africa, the Ministry of Home Affairs emphasized that cooperation between immigration

authorities and correctional services is crucial for optimizing resource use (Laryea, (2023). Streamlining deportation processes and legal assessments can reduce the time that illegal immigrants spend in correctional facilities, thereby freeing up resources for domestic inmates (Mthethwa and Williams, 2022). In Zimbabwe, however, the Ministry of Home Affairs noted that inadequate inter-agency coordination contributes to inefficiencies and prolonged detention periods. This results in increased operational costs and hampers effective resource allocation (Dube, 2023).

Economic and diplomatic consequences also come into play, particularly for South Africa. The Ministry of Foreign Affairs stated that the burden of managing large numbers of detained immigrants could affect the country's international reputation and relations with neighbouring nations (Foreign Affairs South Africa, 2023). Ensuring that detainees are treated in accordance with international human rights standards is essential for maintaining diplomatic goodwill (Khumalo, 2022). In Zimbabwe, while the immediate economic impact of detaining illegal immigrants is less severe, there is recognition of potential future challenges due to changing migration trends. The Ministry of Foreign Affairs has stressed the need for proactive resource management strategies that align with international expectations (Dannaoui, N., et al 2024).

Human rights organizations, including VSO, have raised concerns regarding the living conditions of detained immigrants in both countries. VSO reported that resource constraints could lead to inadequate access to basic services such as healthcare, increasing the risk of human rights violations (VSO Report, 2023). In South Africa, such issues are exacerbated due to the high volume of detainees, making the maintenance of humane living standards more difficult (Smith, 2023). ZPCS officials have similarly acknowledged that limited resources make it challenging to sustain appropriate conditions for detainees without affecting the well-being of the general prison population (Ndlovu, 2022). This challenge underscores the importance of targeted funding, staff training, and policy reform to enhance the capacity for managing this specific population.

Policy recommendations include enhancing inter-agency collaboration to streamline processes and reduce detention times. International support from Portfolio Committees, NGOs and global agencies could provide additional funding and expertise to improve resource management and uphold human rights standards (United Nations Office on Drugs and Crime, 2023). Both South Africa and Zimbabwe could benefit from implementing policies that improve the efficiency of resource use, such as specialized training for staff and improved management practices.

Proactive planning to anticipate changes in migration patterns could further help Zimbabwe manage potential future resource challenges effectively (Moyo, 2023).

ii. Impact that is contributed by illegal immigrants on the operational efficiency and management of these facilities

Various stakeholders, including ministries, Portfolio Committees, NGOs, and correctional services, shed light on how the presence of illegal immigrants affects the operational efficiency and management of correctional facilities in South Africa and Zimbabwe. These perspectives also touch on peace, security, and regional cooperation within SADC (Southern African Development Community) countries.

The Ministry of Justice in South Africa emphasized that the presence of illegal immigrants places additional strain on correctional facilities, impacting operational efficiency and the management of resources. A South African justice official remarked, “Our facilities are already facing challenges related to overcrowding and resource limitations. The influx of illegal immigrants exacerbates these issues, making it difficult to maintain order and ensure that all detainees receive appropriate care.” The official noted that while SACS strives to uphold human rights, the increased burden can lead to operational inefficiencies, staff fatigue, and heightened tension within the facilities.

Ministry of Justice, Legal and Parliamentary Affairs echoed similar concerns but highlighted that while the scale of the issue is smaller, it still affects facility management. “The presence of illegal immigrants strains the already limited resources and capacity of our correctional facilities. This impacts not only day to day operations but also the ability to maintain high standards of inmate care and security,” a Zimbabwean official stated. They emphasized the need for policy enhancements and better resource allocation to mitigate these effects.

The Zimbabwe portfolio committee on Justice, Peace, and Security recognizes the far-reaching implications of illegal immigrants on the operational efficiency and management of correctional facilities. It acknowledges that the detention of illegal immigrants aggravates overcrowding, strains limited resources, and prolongs detention periods, which disrupts the smooth functioning of facilities and compromises security. A committee representative stated, “The issue of illegal immigrants in our correctional facilities is not just a matter of resource allocation; it is a challenge to the core operational efficiency of the Zimbabwe Prisons and Correctional Services (ZPCS) and an emerging security concern for the nation.”

The committee further emphasized that the diversion of resources to manage the influx of illegal immigrants affects the rehabilitation programs and overall welfare of inmates, impacting ZPCS's ability to maintain adequate living conditions and uphold human rights standards. Another official noted, "Our limited capacity means that even small increases in the number of detainees, including illegal immigrants, can significantly affect the quality of services provided, from healthcare to security."

To address these challenges, the committee calls for robust inter-agency collaboration between ZPCS, immigration authorities, and other relevant ministries to ensure that deportation processes are expedited and detention periods are minimized. It highlights the need for enhanced funding and resource allocation to mitigate the strain caused by illegal immigrants. As stated by a committee member, "A coordinated approach is essential, not only to address the immediate pressures on correctional facilities but also to develop sustainable solutions for effective resource management."

The committee also advocates for regional cooperation within the Southern African Development Community (SADC) to tackle migration challenges collectively. Recognizing that migration is a regional issue with cross-border implications, the committee urges Zimbabwe to strengthen ties with neighbouring countries to share best practices, intelligence, and resources. As one member explained, "Addressing the root causes of illegal immigration and working with SADC partners to implement aligned protocols will enhance both regional security and operational efficiency within our correctional facilities."

The portfolio committee reiterates its commitment to promoting peace and security by ensuring that justice is served fairly and efficiently while adhering to human rights standards. It concludes that addressing the operational inefficiencies caused by illegal immigrants is not only a domestic imperative but also a regional responsibility requiring coordinated action and shared accountability.

The Ministry of Home Affairs in South Africa focused on the implications for peace and security within SADC. An official commented, "Ensuring that illegal immigrants are managed efficiently and humanely is not only a national concern but also a regional one. Poor handling of detainees can lead to tensions that spill over into broader security concerns within the region." They noted that SACS collaborates with other SADC countries to share intelligence and best practices to manage the flow of migrants effectively.

In Zimbabwe, the Ministry of Home Affairs pointed out the challenges related to limited interdepartmental collaboration. “Operational inefficiencies arise when there is insufficient coordination between correctional services, immigration authorities, and social services. This can lead to prolonged detentions, strained resources, and a potential breach of peace and security within the community,” a ministry representative noted. They stressed the importance of regional cooperation within SADC to address migration challenges collectively and ensure that protocols align to promote regional stability.

South Africa’s Ministry of Foreign Affairs highlighted that the presence of illegal immigrants impacts the country’s operational and diplomatic responsibilities. A representative remarked, “The way we manage illegal immigrants in our correctional facilities has direct consequences for our reputation and peace within the SADC region. Maintaining humane standards helps foster better relations with neighbouring countries and enhances regional security.” The ministry advocated for collaborative approaches and shared strategies to manage migration pressures in a way that supports peace and stability across the region.

The Zimbabwean Ministry of Foreign Affairs shared that while the impact is more moderate compared to South Africa, the potential for increased migration could affect operational efficiency and management. “It’s essential that we proactively address these challenges to prevent any negative impact on regional peace and security. Developing partnerships within SADC and with international organizations can help improve resource allocation and management strategies,” a ministry representative explained.

Furthermore, VSO highlighted the human rights implications that come with strained operational efficiency. A VSO representative stated, “When correctional facilities are stretched thin due to an influx of illegal immigrants, the quality of care and humane treatment can suffer. This not only affects the detainees but can also lead to greater instability within the facility and pose broader security risks.” VSO called for improved training for staff and better funding to ensure that facilities can handle the additional workload without compromising standards.

SACS officials expressed that managing illegal immigrants requires specific resources, including dedicated legal and social services, which can affect overall operational efficiency. A senior SACS official noted, “The high numbers of illegal immigrants in our correctional system challenge our capacity to maintain smooth operations. This can lead to delays in legal processes and contribute to overcrowding, which affects both staff performance and inmate

well-being.” They highlighted that cross-border collaboration with SADC partners helps share strategies and resources to alleviate these challenges.

ZPCS officials shared that while the number of illegal immigrants is smaller, the impact on operations is still significant due to limited capacity. A ZPCS representative mentioned, “The presence of illegal immigrants adds to the complexity of facility management, leading to varied practices and resource diversion. To improve efficiency, we need more structured guidelines, better training, and cooperation with regional partners.” They emphasized that adapting to best practices from neighbouring countries like South Africa could help strengthen ZPCS’s management capabilities.

The presence of illegal immigrants in correctional facilities in South Africa and Zimbabwe poses substantial challenges that affect operational efficiency and facility management. A comprehensive analysis of this issue, supported by stakeholder insights and related literature, reveals the multifaceted impact these challenges have on peace, security, and regional cooperation within SADC (Southern African Development Community) countries.

In South Africa, the Ministry of Justice has noted that the detention of illegal immigrants adds considerable strain to correctional facilities, which are already operating at or above capacity Samuels, (2023). Overcrowding exacerbates the difficulties of resource allocation, leading to compromised inmate care and increased tension within facilities (Ngwenya, 2021). These challenges can hinder operational efficiency, causing delays in processing detainees and reducing the ability of correctional staff to manage daily activities effectively (Mthethwa and Williams, 2022). The literature supports that operational inefficiencies due to overcrowding can lead to diminished security and higher stress levels among staff, further affecting inmate management (Smith, 2023).

Similarly, Zimbabwe faces challenges with the management of illegal immigrants, albeit on a smaller scale compared to South Africa. The Ministry of Justice highlighted that even little increases in the number of imprisoned illegal immigrants strain the limited capacity and possessions of the Zimbabwe Prisons and Correctional Services (ZPCS). These strains impact operational efficiency, resulting in diverted resources from rehabilitation programs and increased difficulty in maintaining acceptable conditions (Dube, 2023). Literature emphasizes that limited capacity can lead to suboptimal conditions and operational delays, which can undermine the overall management of correctional facilities (Ndlovu, 2022).

The importance of interdepartmental collaboration is another significant factor influencing operational efficiency. In South Africa, the Ministry of Home Affairs has underscored that insufficient coordination between correctional services and immigration authorities can prolong detention times, contributing to resource depletion and management inefficiencies (Laryea, (2023). Effective coordination can streamline processes such as deportation, reducing the burden on facilities and enhancing operational efficiency (Moyo, 2023). Conversely, Zimbabwe’s Ministry of Home Affairs pointed out that limited inter-agency collaboration leads to inefficiencies, prolonged detention, and potential security risks (Ministry of Home Affairs Zimbabwe, 2023).

The regional implications for peace and security within SADC are significant. The South African Ministry of Foreign Affairs has noted that the mismanagement of illegal immigrants can have broader consequences for regional stability and diplomatic relations (Foreign Affairs South Africa, 2023). Literature suggests that maintaining humane treatment and upholding international standards in the management of illegal immigrants can foster better relations and contribute to regional security (Khumalo, 2022). In Zimbabwe, the Ministry of Foreign Affairs has echoed these concerns, emphasizing the potential for increased migration to strain resources further and disrupt facility operations (Dannaoui, et al 2024).

Human rights organizations like VSO have pointed out that strained operational efficiency can lead to compromised care and potential rights violations. VSO reported that inadequate staffing and resources in overcrowded correctional facilities contribute to poor living conditions and limited access to essential services for detainees (VSO Report, 2023). Literature corroborates that such conditions not only impact detainees' well-being but also pose broader security risks, as they can exacerbate tensions within facilities (Smith, 2023).

4.6.3 To explore the human rights implications of the current practises and protocol related to illegal immigrants in the penitentiary systems including issues of overcrowding, treatment and illegal protection.

The Ministry of Home Affairs in South Africa pointed out that the high number of illegal immigrants places significant pressure on correctional facilities. An official noted, “The management of illegal immigrants challenges our capacity, impacting the allocation of resources and leading to overcrowded conditions. This situation can strain staff, hinder rehabilitation programs, and increase tensions within facilities.” They emphasized that this pressure has ripple effects that compromise operational efficiency and heighten security

concerns, both nationally and within the broader SADC region. They stressed that regional cooperation in managing migration is crucial for maintaining peace and stability across SADC countries.

Zimbabwe's Ministry of Home Affairs acknowledged similar, albeit less severe, challenges due to lower rates of immigration. A representative stated, "While the scale of the issue differs from that in South Africa, the presence of illegal immigrants still affects our management capabilities, particularly with limited resources. The situation demands improved interdepartmental coordination and regional partnerships to ensure operational efficiency." They also highlighted the importance of creating policies that support humane treatment to avoid exacerbating security issues that could spill over into neighbouring countries.

The Ministry of Foreign Affairs in South Africa emphasized the impact of correctional practices on regional peace and security. A ministry spokesperson said, "How we manage illegal immigrants reflects on our commitment to international norms and affects our diplomatic relationships within SADC. Ensuring that our practices align with human rights standards is essential for maintaining trust and stability in the region." They advocated for shared strategies and collaboration among SADC nations to create cohesive protocols that balance security needs with human rights obligations.

Zimbabwe's Ministry of Foreign Affairs echoed the need for compliance with human rights standards while managing limited resources. A ministry representative noted, "We must strive for practices that respect human dignity, as failure to do so can lead to negative perceptions and impact regional peace. Collaboration with international partners and neighbouring countries can support the development of humane and efficient management systems that align with international human rights standards."

The Ministry of Justice and Parliamentary Affairs in South Africa focused on the balance between operational efficiency and human rights compliance. A justice official remarked, "Managing illegal immigrants requires that we not only address the logistical challenges but also ensure that we uphold human rights standards. Current practices in SACS are designed to meet these standards, but the sheer volume of detainees can sometimes hinder these efforts, leading to potential rights violations." The official noted that continuous training and legislative updates are necessary to prevent lapses in treatment and to support humane and effective management practices.

Ministry of Justice, Legal and Parliamentary Affairs recognized the limitations of ZPCS in meeting international human rights standards consistently. An official stated, “ZPCS faces significant challenges due to fewer resources and outdated protocols. This can lead to practices that do not fully meet human rights expectations, posing potential legal and ethical concerns.” They emphasized the need for reforms that include specific protocols for the treatment of illegal immigrants and advocated for increased training and resource allocation to ensure compliance with international standards.

VSO underscored the human rights implications of current practices in both countries. A VSO representative noted, “The absence of comprehensive, clear protocols in ZPCS leads to varied practices that can result in human rights violations, such as inadequate access to legal representation or overcrowded conditions. SACS, although more advanced in this regard, still faces challenges due to high numbers and resource constraints.” VSO called for both countries to adopt more standardized, rights-based approaches that include sufficient training for staff and ensure that the dignity and rights of illegal immigrants are protected.

Officials from SACS emphasized their commitment to operational efficiency while managing a large number of illegal immigrants. A senior official stated, “Our structured protocols aim to balance operational needs with the protection of detainee rights. However, the high volume of cases can strain resources and lead to delays, impacting both management and human rights compliance.” SACS highlighted ongoing efforts to adapt policies and enhance training to address these issues.

ZPCS representatives acknowledged the limitations they face in operational efficiency and human rights compliance. One ZPCS official commented, “The absence of detailed guidelines for handling illegal immigrants leads to inconsistent practices that can compromise both management and the rights of detainees. We need comprehensive reforms and external support to build our capacity and align our practices with international human rights standards.”

The management of illegal immigrants in South Africa and Zimbabwe’s correctional facilities presents significant human rights challenges, as noted by various stakeholders and existing literature. In South Africa, the Ministry of Home Affairs has highlighted that the detention of illegal immigrants contributes to overcrowding in correctional facilities, impacting both operational efficiency and human rights standards (Jansen van Rensburg, (2024). This overcrowding results in poor living conditions for detainees, leading to human rights violations such as limited access to medical care and rehabilitation programs (Ngwenya, 2021). Research

suggests that overcrowding often correlates with poor health outcomes and heightened tensions among inmates, further stressing staff resources and complicating facility management (Smith, 2022).

While the issue in Zimbabwe is less severe, the Ministry of Home Affairs has reported that even smaller numbers of illegal immigrants' strain resource allocation and operational efficiency within the Zimbabwe Prisons and Correctional Services (ZPCS) (Makombe, et al (2023). These resource constraints often result in conditions that fail to meet international human rights standards, exacerbated by the country's limited financial and infrastructural resources (Dube, 2023).

Both nations face challenges in aligning with international human rights standards, as noted by their ministries. South Africa's Ministry of Foreign Affairs stresses that managing illegal immigrants in accordance with human rights standards is crucial for maintaining the country's diplomatic relations within SADC, (van Nieuwkerk, 2024). Compliance with international treaties, such as the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules), is seen as essential for regional peace and trust (Khumalo, 2022). However, overcrowding and resource shortages hinder compliance, potentially leading to rights violations (United Nations Office on Drugs and Crime, 2023).

Zimbabwe shares similar challenges Officials from the Ministry of Justice and Parliamentary Affairs acknowledge that limited resources and outdated protocols often lead to non-compliance with international standards (Ndlovu, 2022). Human rights organizations point out that insufficient infrastructure and the lack of standardized procedures contribute to inconsistent practices that violate detainees' rights (VSO Report, 2023). This highlights the urgent need for reforms to align ZPCS practices with international norms (Chikoko, 2022).

Both countries recognize the need for policy reforms and enhanced training to address human rights concerns. In South Africa, officials emphasize the importance of continuous staff training and legislative improvements to prevent rights violations (Mthethwa and Williams, 2022). Research indicates that comprehensive training programs can reduce violations by better preparing staff to manage high detainee volumes (Smith, 2022).

Similarly, Zimbabwe's ZPCS officials acknowledge shortcomings in training and resources that lead to inconsistent practices and human rights challenges (Dube, 2023). Literature suggests that capacity-building programs, supported by international organizations and SADC

partnerships, could help ZPCS develop standardized, rights-based management protocols (Chibanda, 2022).

VSO have identified gaps in both countries' practices. In South Africa, despite more advanced systems than Zimbabwe, overcrowding and resource limitations still lead to delays and potential rights violations (VSO Report, 2023). VSO advocates for rights-based approaches to ensure detainees have access to legal representation, adequate living conditions, and medical care (Khumalo, 2022). In Zimbabwe, VSO has highlighted the absence of comprehensive policies, leading to inconsistent practices that could result in rights violations and ethical concerns (Ndlovu, 2022).

Both nations also recognize the importance of regional cooperation to effectively manage the challenges posed by illegal immigration. The South African Ministry of Foreign Affairs notes that managing detainees according to human rights standards is crucial for regional stability and peace (Foreign Affairs South Africa, 2023). Literature suggests that collaborative strategies, such as joint training programs and the sharing of best practices within SADC, could improve management protocols and ensure compliance with international norms (Moyo, 2023). Zimbabwe's officials also believe that stronger collaboration with international partners and neighbouring countries could improve resource management and ensure humane treatment of detainees (Chikoko, 2022)

ii. Primary challenges faced by correctional services in South Africa and Zimbabwe in managing illegal immigrant populations

The Ministry of Home Affairs in South Africa has identified the high volume of illegal immigrants as a major challenge, placing considerable strain on correctional resources and infrastructure. An official explained, "Overcrowding is a persistent issue, with illegal immigrants exacerbating pressure on space and resources in our facilities. This hampers our ability to maintain suitable living conditions and provide adequate services for all detainees." They emphasized that addressing these challenges requires improved interagency collaboration to manage illegal immigrants effectively without compromising the welfare of inmates or staff.

In Zimbabwe, although the issue is less severe, the Ministry of Home Affairs reported that limited resources and outdated infrastructure are significant difficulties for the Zimbabwe Prisons and Correctional Services (ZPCS). A representative stated, "Our main challenge is the lack of adequate space and resources to provide proper care and legal support for detainees. This impacts facility management and places undue pressure on staff." They stressed the need

for improved resource allocation and capacity-building efforts to better handle the immigrant population in prisons.

Both countries' Ministries of Foreign Affairs highlighted the regional importance of aligning correctional practices with peace and security within the SADC region. A South African official noted, "The management of illegal immigrants is not only a national issue but a regional one. Mishandling detainees can create tensions that affect relations within SADC. Collective strategies and information sharing are necessary to develop cohesive, humane protocols." Similarly, Zimbabwe's Ministry of Foreign Affairs emphasized that failure to adhere to human rights standards could damage diplomatic relations and destabilize the region. "Ensuring humane treatment of illegal immigrants is vital for maintaining trust and cooperation within SADC," noted a Zimbabwean official.

In South Africa, the Ministry of Justice and Parliamentary Affairs acknowledged that balancing operational efficiency with human rights compliance is a key challenge. An official stated, "Providing lawful and fair treatment to illegal immigrants requires clear, up-to-date policies and continuous staff training. However, overcrowding and resource limitations hinder these efforts, potentially leading to rights violations." They called for policy reforms and budget allocations that prioritize humane treatment for this vulnerable population.

In Zimbabwe, the Ministry of Justice and Parliamentary Affairs pointed out that structural limitations prevent consistent adherence to international human rights standards. 'We face challenges ensuring uniform treatment of illegal immigrants, which affects both the quality of care they receive and the efficiency of our correctional system,' explained a spokesperson. They advocated for international partnerships to provide the necessary support and expertise to address these issues.

VSO have highlighted the need for both countries to improve their approaches to managing illegal immigrants to prevent human rights abuses and operational inefficiencies. A VSO representative stated, "In South Africa, the large number of detainees leads to gaps in essential services like legal aid and healthcare. In Zimbabwe, inconsistent practices and resource shortages often result in neglecting detainee rights.' They recommended that both nations adopt comprehensive, rights-based protocols and enhance staff training to ensure fair treatment.

SACS officials emphasized the challenges of maintaining operational efficiency amidst high immigration levels. "The volume of illegal immigrants strains our system, necessitating constant updates to protocols and staff training. Ensuring safety and upholding detainee rights

while managing resource constraints is complex,” said a senior officer. They stressed the need for specialized training and interdepartmental coordination for effective management.

ZPCS officials acknowledged that the lack of clear, standardized guidelines and sufficient resources is a major challenge. One official explained, “Our facilities were not designed to manage large numbers of illegal immigrants, leading to inconsistent practices that affect both operations and detainee welfare.” They called for increased funding and collaboration with regional and international partners to address these challenges and align practices with international standards.

The difficulties faced by South Africa and Zimbabwe in managing illegal immigrant populations have significant implications for operational efficiency, resource management, human rights, and regional stability. The responses from key stakeholders including government ministries, NGOs, and correctional officials reveal that both countries face overlapping challenges that hinder effective management of illegal immigrant detainees. These challenges, including overcrowding, resource shortages, and inconsistent practices, undermine the quality of care and adherence to international human rights standards.

In South Africa, the Ministry of Home Affairs highlighted overcrowding as a major issue, noting that the high volume of illegal immigrants exacerbates pressure on correctional facilities. Literature supports this view, linking overcrowding to increased inmate tension, poor living conditions, and limited access to rehabilitation (Ngwenya, 2021; Smith, 2022). South African officials stressed the importance of interagency collaboration to address these issues and ensure the welfare of detainees and staff. Research further highlights the role of systemic coordination in managing high detainee volumes to prevent rights violations (Khumalo, 2022).

In Zimbabwe, while the problem is less severe, the ZPCS faces similar challenges due to limited resources and outdated infrastructure. ZPCS officials noted the lack of space and resources for proper care and legal support, a challenge echoed in the literature, which indicates that resource constraints hinder correctional facilities' ability to meet human rights standards (Chikoko, 2022; Dube, 2023). They also pointed to the lack of clear guidelines, which leads to inconsistent practices and impacts detainee care. This inconsistency is a critical issue, as it can lead to rights violations and operational inefficiencies (VSO Report, 2023).

Both countries face difficulties in aligning correctional practices with international human rights standards. South Africa’s Ministry of Foreign Affairs emphasized the regional implications of failing to manage illegal immigrants in line with human rights, noting that poor

handling could strain relations between SADC countries. Zimbabwe's officials shared similar concerns, highlighting the importance of adhering to international norms for maintaining diplomatic relations and regional stability (van Nieuwkerk, (2024). Musimeki, (2022). Compliance with international standards like the Mandela Rules is crucial for fostering peace and cooperation within SADC, as non-compliance could damage diplomatic relations and undermine regional trust (United Nations Office on Drugs and Crime, 2023).

The Ministry of Justice and Parliamentary Affairs in both countries stressed the challenge of balancing operational efficiency with human rights. South African officials underscored the need for clear policies and continuous training to prevent rights violations due to overcrowding and resource shortages. Similarly, Zimbabwe's officials noted that structural challenges and limited capacity prevent consistent implementation of human rights standards, leading to uneven treatment of detainees and reduced efficiency (Ndlovu, 2022; Mthethwa & Williams, 2022). This highlights the need for policy reforms, better resource allocation, and capacity-building initiatives in both countries to improve detainee welfare and operational efficiency.

VSO have criticized the current practices in both nations. In South Africa, VSO highlighted that overcrowding and resource constraints result in delays in providing essential services like legal aid and healthcare, leading to human rights abuses (VSO Report, 2023). In Zimbabwe, the inconsistency in practices and resource limitations lead to neglecting detainee rights, underscoring the need for comprehensive, rights-based protocols and enhanced staff training (Khumalo, 2022). These recommendations align with literature emphasizing the need for adherence to international human rights standards and the importance of ongoing staff education to reduce rights violations and improve detainee treatment (Smith, 2022; Khumalo, 2022).

4.6.4 To assess level of cooperation between ZPCS and S.A correctional services within the framework of existing SADC protocols.

The cooperation between Zimbabwe and South Africa within the correctional framework can be traced back to discussions under SADC protocols established in the early 2000s. Legislators from both nations recognized the growing challenges of cross-border crime, human trafficking, and illegal immigration as regional issues necessitating coordinated responses. By the mid-2010s, Zimbabwean lawmakers had advocated for amendments to the Prisons Act to align with international human rights standards, creating a foundation for bilateral agreements on deportation and prisoner rights. A lawmaker official stated that in a 2016 parliamentary debate,

a Zimbabwean lawmaker highlighted the need for legislative reforms, saying, “updating our laws will make Zimbabwe a reliable partner in cross-border justice. We must show our commitment to regional stability and the humane treatment of offenders.”.

South African lawmakers by 2018, had also turned their attention to the pressures on their correctional facilities caused by the influx of Zimbabwean nationals. Legislative committees proposed resource-sharing strategies and repatriation processes to address overcrowding, noting that sustainable cooperation required equitable contributions from both countries. A South African parliamentary report highlighted this perspective: “Sustainable repatriation and rehabilitation strategies require collaborative governance, where both nations contribute equitably to solutions” (Ndlovu, 2019). However, despite the establishment of a strong legislative framework, progress was hindered by bureaucratic inefficiencies and a lack of dedicated funding under SADC protocols, which slowed the translation of these legislative intentions into actionable results.

Building on these legislative frameworks, the Zimbabwe Correctional Services (ZPCS) prioritized managing the deportation and rehabilitation of Zimbabwean nationals incarcerated in South Africa. ZPCS officials highlighted their efforts to create humane and sustainable reintegration programs for repatriated offenders, with one senior officer noting, “We are committed to preserving the dignity of our citizens, even when they are returned as offenders. This involves developing sustainable reintegration programs that minimize the risk of reoffending.”. Despite these intentions, logistical challenges persisted, including inadequate funding for transportation and insufficient reintegration infrastructure. For instance, facilities in Matabeleland lacked basic amenities critical for effective rehabilitation, prompting a ZPCS officer to comment, “Our inability to provide adequate post-repatriation care undermines the bilateral commitments we strive to uphold”. These challenges underscored the resource disparities between Zimbabwe and South Africa, further complicating collaboration.

Simultaneously, the South Africa Correctional Services (SACS) grappled with the disproportionate burden of foreign nationals in their facilities, with Zimbabweans constituting a significant percentage of the inmate population. By 2019, SACS had initiated agreements with ZPCS to facilitate humane deportations and prisoner exchanges. However, these efforts were frequently delayed by logistical and diplomatic challenges. A senior SACS official remarked, “Repatriation demands a shared commitment. While we are ready to support the process, our efforts are frequently hindered by inconsistent infrastructure and insufficient funding from the Zimbabwean side.”. In response to these challenges, South Africa sought

innovative solutions, including partnerships with NGOs like Voluntary Services Overseas (VSO), to bridge gaps in rehabilitation and reintegration processes. Nevertheless, SACS officials repeatedly stressed the need for reciprocal contributions from Zimbabwe, with one stating, “Deportation alone is not enough; reintegration needs to be a core part of the strategy, which necessitates adequate infrastructure in Zimbabwe.”

Voluntary Services Overseas (VSO) has emerged as a key facilitator in fostering cooperation between ZPCS and SACS. Through workshops and capacity-building initiatives, VSO has provided platforms for correctional officials from both nations to exchange knowledge and develop standardized procedures. Reflecting on these efforts, a VSO official stated, “Our focus has been to create a dialogue that turns intentions into action. Both nations have strong policy frameworks, but the challenge lies in operationalizing those policies” (VSO, 2021). Their workshops emphasized the importance of creating shared databases to track repatriated offenders and establishing joint reintegration programs. A 2021 VSO report underscored the need for sustained investment, stating, “Cross-border cooperation is a long-term investment. Without sustained political and financial commitment, progress will remain fragmented” (VSO, 2021). Furthermore, VSO has advocated for holistic approaches to reintegration, involving not only government agencies but also community leaders and non-governmental stakeholders.

Over time, the cooperation between ZPCS and SACS has evolved from legislative groundwork in the early 2000s to operational collaborations in the 2010s and capacity-building initiatives in the 2020s. While these efforts reflect progress, the recurring challenges of resource disparities, logistical constraints, and bureaucratic inefficiencies have limited the effectiveness of cross-border initiatives. The involvement of external facilitators like VSO has been instrumental in fostering dialogue and bridging gaps, but meaningful progress will require sustained political commitment and equitable resource allocation from both nations.

4.7 Chapter summary

This research highlights the differences between SACS and ZPCS in managing illegal immigrants. The study examined the governance and treatment of illegal immigrants within the correctional systems of South Africa and Zimbabwe, highlighting the roles of key stakeholders, including lawmakers, correctional services, immigration officers, and NGOs. Both countries’ lawmakers are well-educated, with 85% holding degrees in law and political science, but the implementation of immigration policies is hindered by political challenges, lack of interagency

cooperation, and insufficient resources. South Africa's correctional services staff and immigration officers generally have higher education levels than their Zimbabwean counterparts, yet operational constraints such as overcrowding and inadequate training impact effective policy application. VSO advocate for immigrant rights but struggle to influence policy due to limited resources and lack of legislative power. The study found that while educational qualifications are a strength, practical challenges such as overcrowding, insufficient training, and resource limitations undermine the enforcement of immigration laws, highlighting the need for better collaboration, enhanced training, and political will to improve the treatment of illegal immigrants and align practices with international human rights standards.

CHAPTER V

SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

This chapter provides a summary of the study's findings, conclusions, and recommendations based on its goals, six main hypotheses, and research questions. The main purpose of the study was to gather reliable information to help the Zimbabwe Prison and Correctional Services (ZPCS) create policies and practices for managing illegal immigrants in Southern African prisons, specifically comparing ZPCS and the South African Correctional Services (SACS).

5.2 Summary

The examination of the penitentiary systems in South Africa and Zimbabwe reveals both strengths and challenges in the treatment of illegal immigrants. Both countries have established legal frameworks aimed at regulating the treatment of illegal immigrants and ensuring their rights within correctional facilities (Smith, 2022). In South Africa, lawmakers, 85% of whom hold degrees in law or political science, have crafted comprehensive policies, benefiting from their educational expertise (Khumalo, 2022). However, despite this strong legislative foundation, practical implementation is hindered by resource constraints, overcrowded prisons, limited interagency cooperation, and political reluctance to enforce policies effectively (VSO Report, 2023). These challenges lead to inconsistent enforcement of detainees' rights and reduced adherence to legal standards (Dube, 2023).

Similarly, in Zimbabwe, while lawmakers possess strong educational backgrounds, the country faces significant gaps in the reform of immigration laws and their translation into effective correctional practices (Chikoko, 2022). The Zimbabwe Prisons and Correctional Services (ZPCS) are also constrained by inadequate staff education levels, with only 45% holding degrees in relevant fields, and insufficient training in human rights protocols (Dube, 2023). This lack of education and training results in inconsistent treatment of illegal immigrants and challenges in aligning practices with international human rights standards (Khumalo, 2022). Both countries face similar operational challenges, including overcrowded facilities, inadequate resources, and insufficient professional development, which obstruct the practical application of their legal frameworks (VSO Report, 2023).

Despite these challenges, both countries demonstrate a commitment to upholding international human rights standards, although practical barriers limit their success. South Africa benefits from stronger staff training and better procedural documentation, while Zimbabwe faces more significant resource constraints and a greater need for comprehensive staff training (Ngwenya, 2021; Khumalo, 2022). The findings emphasize the need for improved interagency collaboration, continuous staff training, stronger political will, and better resource allocation to improve incarceration practices and protect the rights of illegal immigrants.

The comparison of penitentiary protocols in both countries reveals notable differences and shared challenges. South Africa follows standardized intake protocols that include health assessments and risk-based classification (Khumalo, 2022). However, overcrowding and resource limitations often impede these procedures, affecting the quality of detention and legal compliance (Smith, 2022). In contrast, Zimbabwe faces more significant challenges due to limited resources and fewer qualified staff, which affects their ability to fully implement human rights standards in detention (Dube, 2023). Overcrowding and inadequate infrastructure in Zimbabwe lead to discrepancies in detainee treatment, violating basic human rights (Chikoko, 2022). Both countries face difficulties in maintaining detention conditions that meet international standards due to overcrowding, insufficient staff training, and inconsistent policy enforcement (VSO Report, 2023).

In evaluating the impact of illegal immigrant detention on correctional resources, South Africa's correctional facilities are already burdened by overcrowding and budgetary constraints. The intake of illegal immigrants further strains resources, impacting food supplies, healthcare, and rehabilitation programs (Ngubane, et al (2022). Staff-to-inmate ratios are strained, making it difficult to manage both regular inmates and illegal immigrants effectively (Smith, 2022). In Zimbabwe, the impact is even more severe, with overcrowding, outdated infrastructure, and insufficient medical supplies further aggravated by the detention of illegal immigrants (Dube, 2023). The ZPCS is also hindered by inadequate staff training and lower educational qualifications among correctional officers, further limiting operational efficiency (Chikoko, 2022).

Both countries face significant operational challenges, including reduced capacity for rehabilitation programs and heightened security concerns, as the detention of illegal immigrants requires additional management effort and interagency coordination. Resource limitations hinder the ability to address these challenges effectively (Ngwenya, 2021). These findings underline the need for increased funding, better staff training, and enhanced

collaboration between correctional services and NGOs to improve the management of illegal immigrants and alleviate the strain on correctional systems.

The investigation into human rights implications highlights the significant challenges both South Africa and Zimbabwe face in maintaining international human rights standards. Overcrowding is a major issue, affecting both countries and violating detainees' rights to adequate living conditions, healthcare, and legal access (Ngwenya, 2021). In South Africa, overcrowded conditions undermine efforts to balance the rights of illegal immigrants with the general inmate population, leading to inconsistencies in the application of legal protections (Smith, 2022). Zimbabwe's infrastructure and resource limitations exacerbate these issues, with reports of substandard conditions, including limited access to healthcare and hygiene (Dube, 2023). Both countries are committed to incorporating international human rights standards into their correctional systems, but practical barriers such as overcrowding, limited resources, and inadequate staff training prevent full compliance (VSO Report, 2023).

Best practices have emerged from the analysis, with South Africa's collaboration with NGOs, such as VSO, proving beneficial in advocating for detainees' rights and providing additional resources (VSO Report, 2023). This partnership has helped fill gaps in the correctional system, though it remains constrained by insufficient funding and legislative limitations (Smith, 2022). Zimbabwe's ZPCS has shown resilience by integrating community-based programs to improve staff-detainee relations, though these efforts are limited by resource constraints (Madondo, 2020). Both countries would benefit from enhanced interagency cooperation, comprehensive staff training programs focusing on human rights, and better resource allocation to address overcrowding and infrastructure deficiencies (Ngwenya, 2021). A unified approach involving NGOs, government agencies, and international organizations could help bridge the gaps in both countries' systems and lead to more humane management of illegal immigrants.

The correctional systems in South Africa and Zimbabwe face significant challenges in adequately addressing the needs of illegal immigrants, which calls for urgent policy reforms. Despite robust legal frameworks, the practical application of these laws is undermined by overcrowding, insufficient staff training, and poor interagency coordination (Ngwenya, 2021). Overcrowded facilities in both countries exacerbate poor living conditions, healthcare access, and rehabilitation opportunities for detainees (Dube, 2023). Policy reforms should focus on improving interagency collaboration, enhancing staff training, and increasing funding for infrastructure and medical services. Additionally, strategies to reduce overcrowding, such as

alternative detention measures and improved processing of illegal immigrants, are necessary to address these operational shortcomings (Smith, 2022).

5.3 Conclusions

In conclusion, this study has examined the impact of illegal immigration on prison systems within the Southern African Development Community (SADC) region, with a specific focus on South Africa and Zimbabwe. It explored how illegal immigration influences penitentiary protocols by analyzing the operations of South Africa's Department of Correctional Services and Zimbabwe's Prisons and Correctional Services. The findings reveal that both countries have established strong legal frameworks aimed at protecting the rights of illegal immigrants and regulating their treatment in correctional facilities, including provisions for humane treatment and access to legal representation. However, despite the existence of these legal protections, the study highlights a significant gap between law and practice. Enforcement remains inconsistent, and considerable challenges persist in the practical implementation of these frameworks, indicating a clear disconnect between established legal standards and the realities within both countries' prison systems.

In South Africa, while lawmakers benefit from high educational expertise, the practical application of policies is hindered by overcrowding, inadequate interagency coordination, and political reluctance, leading to inconsistent enforcement of detainees' rights. Similarly, Zimbabwe, despite having knowledgeable lawmakers, faces difficulties due to gaps in immigration law reforms, resource constraints, and a less educated workforce, all of which lead to disparities in the treatment of illegal immigrants within correctional facilities.

Both countries face common issues, including overcrowding, insufficient staff training, and resource shortages, which significantly affect the quality of detention and rehabilitation programs. While South Africa shows better alignment with international human rights standards through its better-trained staff and robust procedural documentation, Zimbabwe's ZPCS struggles with inadequate infrastructure and fewer staff with relevant qualifications.

These findings address the research problem by highlighting the operational inefficiencies, security concerns, and the strain on resources caused by the influx of illegal immigrants in both nations' correctional systems. The study reveals that although both countries are committed to upholding international human rights standards, their ability to manage and rehabilitate illegal immigrants is compromised by practical challenges. To address these issues, the research

emphasizes the need for stronger interagency collaboration, improved staff training, better resource allocation, and more effective policy reforms. These measures will not only help to mitigate the adverse effects of illegal immigration on penitentiary systems but will also enhance the overall management and security of correctional facilities in the SADC region. Below is the list of possible measures that can be enforced to mitigate the adverse of illegal immigration in SADC.

i. Call for a Coordinated Approach

Ultimately, this study advocates for a comprehensive and coordinated approach involving both national and regional stakeholders to strengthen the capacity of correctional services to address the challenges posed by illegal immigration and ensure the humane treatment of detainees.

ii. Importance of Regional Collaboration

Collaboration within the Southern African Development Community (SADC) holds great potential for addressing shared challenges, leveraging collective resources, and fostering sustainable development. Regional collaboration can significantly boost economic integration and growth. By enhancing trade agreements and aligning economic policies, SADC can foster a unified market, increasing intra-regional trade and attracting foreign investment. Shared infrastructure, such as transport corridors and power grids like the Southern African Power Pool, can also generate mutual benefits for member states.

iii. Strategic Importance of Strengthening Partnerships

The strategic importance of strengthening regional partnerships has far-reaching implications for the member states of SADC. Collaboration within the Southern African Development Community (SADC) holds great potential for addressing shared challenges, leveraging collective resources, and fostering sustainable development. The strategic importance of strengthening regional partnerships has far-reaching implications for the member states of SADC.

iv. Addressing cross-border challenges

Illegal immigration, smuggling, and human trafficking, requires a collective regional response. By sharing intelligence, harmonizing border protocols, and increasing joint training among law enforcement and correctional services, SADC can improve its capacity to manage these issues. Similarly, collaborative frameworks for healthcare delivery, vaccine distribution, and disease surveillance are essential in addressing public health crises like pandemics.

v. SADC security Cooperation

Security is another area where regional cooperation plays a crucial role. SADC faces a range of threats, including political instability and transnational crime. Joint peacekeeping missions, anti-terrorism initiatives, and shared training programs strengthen regional security. Platforms like the SADC Regional Early Warning System are vital in conflict prevention and management, contributing to overall regional stability.

vi. Promoting social cohesion

Promoting social cohesion and cultural exchange is also an important aspect of regional collaboration. Programs that encourage cross-cultural communication in education, the arts, and media can foster mutual understanding, unity, and a shared sense of identity. In the correctional system context, sharing best practices and harmonizing rehabilitation standards can enhance offender reintegration and reduce cross-border recidivism.

On a broader scale, strengthened regional collaboration enhances the global standing of SADC. A well-integrated SADC speaks with a stronger voice in international forums, advocating for African interests in areas such as global trade, climate policy, and political matters. Furthermore, collaborative governance within SADC, alongside regular peer review processes, promotes transparency and accountability across member states.

SADC's collaborative efforts are crucial to achieving the Sustainable Development Goals (SDGs), particularly in areas such as poverty alleviation, environmental sustainability, and gender equality. Additionally, regional cooperation boosts resilience to global challenges like climate change, economic shifts, and geopolitical tensions. Joint strategies in environmental conservation, such as combating desertification, and shared monetary policies to stabilize economies, are key to managing these challenges effectively.

The findings of this study are deeply rooted in international relations, particularly through the lens of regional integration and multilateral cooperation. The challenges posed by illegal immigration to penitentiary protocols in South Africa and Zimbabwe underscore the broader dynamics of sovereignty, state capacity, and regional solidarity within the Southern African Development Community (SADC). From a theoretical perspective, the study aligns with the functionalist and neoliberal institutionalist frameworks, which emphasize the role of regional organizations in fostering cooperation to address transnational issues. The inability of individual states to fully manage the strains on their correctional systems highlights the necessity of regional collaboration to optimize resource allocation, harmonize legal

frameworks, and implement shared solutions for issues such as illegal immigration and its impact on correctional services.

The findings illustrate how World Systems Theory provides a strong framework for understanding global inequalities and migration patterns in the SADC region. The dominance of core countries has historically underdeveloped peripheral regions, driving migration to semi-peripheral nations like South Africa. This migration reveals the practical impact of global disparities, where Zimbabwe's resource constraints result in overcrowded and inefficient correctional systems, while South Africa's relatively better-resourced systems remain overburdened due to high immigrant volumes.

Cross-border policy dynamics further highlight the influence of core countries and international organizations in shaping regional penitentiary standards, often misaligned with local realities. The comparative analysis of South Africa and Zimbabwe underscores disparities stemming from their positions within the global hierarchy, with both systems strained by global migration pressures. These findings validate World Systems Theory as a critical tool for analysing institutional responses to illegal immigration and emphasize the need for localized and context-sensitive penitentiary reforms.

Moreover, the study situates SADC's efforts within the global context of human rights and sustainable development, emphasizing the interplay between regional governance and international norms. By advocating for improved interagency collaboration and resource allocation, the research echoes principles of collective security and economic interdependence, which are foundational to international relations theories. The emphasis on aligning national penitentiary policies with international human rights standards and addressing structural inefficiencies highlights the importance of regional stability in contributing to global governance. Ultimately, this approach not only reinforces SADC's role as a key regional actor but also showcases how regional partnerships can serve as a bridge between national interests and broader international goals, such as sustainable development and the protection of migrant rights.

5.4 Recommendations

Enhanced Interagency Cooperation: Both South Africa and Zimbabwe should focus on improving cooperation between various agencies involved in managing immigration and correctional services to enhance the effectiveness of immigration policies and optimize

resource use. This cooperation should prioritize collaboration among agencies responsible for immigration, law enforcement, and correctional services, ensuring a more unified approach to managing illegal immigration. By aligning their efforts, these agencies can ensure that their actions are complementary and coordinated. A key strategy is to improve communication channels between the agencies, which would help ensure that immigration policies are consistently applied. Additionally, better coordination would ensure that resources such as personnel, funds, and expertise are shared efficiently, preventing duplication and making the best use of available resources. Beyond government agencies, collaboration with non-governmental organizations (NGOs) can play a crucial role in filling resource gaps. NGOs, with their flexibility and expertise, can provide essential services like legal aid, healthcare, and rehabilitation for illegal immigrants in detention, ensuring that detainees are treated fairly and humanely, in line with human rights standards.

Resource Allocation and Infrastructure Development: Both countries need to invest in upgrading detention facilities to address the issue of overcrowding. Overcrowded prisons not only violate detainees' human rights but also strain correctional resources. Strategic investments in expanding prison infrastructure, improving living conditions, and enhancing access to healthcare and education are critical. This would include ensuring that there are sufficient medical supplies, sanitary facilities, and adequate spaces for detainees to reduce the risk of disease and mental health issues.

Staff Training and Professional Development: There should be a concerted effort to improve the qualifications and training of correctional staff, particularly in human rights, immigration law, and international standards for the treatment of detainees. In South Africa, further investment in continuous professional development for prison officers, particularly in relation to handling illegal immigrants, could improve their ability to manage detainee rights effectively. Zimbabwe's ZPCS, where staff qualifications are currently limited, would benefit from robust training programs and a focus on improving education levels within the correctional services workforce.

Policy Reforms for Alternative Detention Measures: To reduce the strain on correctional facilities, both South Africa and Zimbabwe should explore alternatives to traditional detention for illegal immigrants. This could involve the use of electronic monitoring, temporary shelter programs, or community-based detention for low-risk individuals. These alternatives would help alleviate overcrowding and ensure that detention is used only when absolutely necessary.

Increased Political Will and Legislative Reform: Strong political will is required in both countries to prioritize the reform and implementation of immigration policies. Lawmakers should be encouraged to revisit and update immigration laws to address modern challenges, including the treatment of illegal immigrants in detention. South Africa could benefit from strengthening political commitment to enforce policies more effectively, while Zimbabwe need legislative reforms to align their laws with international human rights standards, particularly in relation to the detention of illegal immigrants.

International Cooperation and External Support: Both countries should seek to strengthen their cooperation with regional and international organizations to align their penitentiary practices with global standards. This could include sharing best practices in immigration management, human rights protection, and detention facility management. In particular, engaging with international human rights bodies and using their expertise could support both nations in addressing the operational and legal challenges they face.

Community based Rehabilitation and Reintegration Programs: Both South Africa and Zimbabwe would benefit from expanding rehabilitation programs that focus on the reintegration of illegal immigrants into society, once they have served their time or completed detention. Community-based rehabilitation efforts, including vocational training and social reintegration programs, could reduce recidivism and ease the strain on correctional systems. These programs should be designed to promote the dignity and human rights of detainees, facilitating their successful reintegration into society after release.

5.5 Areas of future study

Future research should focus on exploring the connection between undocumented migrants and illicit financial flows within the Southern African region, as this is a growing phenomenon. The intersection of migration and illegal financial activities is increasingly relevant, especially given the challenges faced by countries in the region regarding both immigration control and economic stability. Understanding this nexus can provide valuable insights into the broader economic and security impacts of undocumented migration, helping policymakers and security agencies better address these issues.

In addition, there is an important gap in research regarding the gendered dynamics of undocumented migration and its interaction with correctional services in the region. Gender plays a crucial role in shaping the experiences of undocumented migrants, particularly women, who may face specific vulnerabilities, such as exploitation, gender-based violence, and limited

access to resources. Examining how correctional services respond to these gendered needs could reveal systemic gaps in the treatment and rehabilitation of female detainees, guiding more inclusive and effective policy reforms in the region.

5.6 Chapter summary

This chapter provided the summary, conclusions, recommendations, and suggested areas for further study. The next section provides a list of references consulted during the study.

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APPENDIX 1

QUESTIONNAIRE

SECTION A: DEMOGRAPHIC INFORMATION

Gender:

- Male
- Female
- Other (please specify) _____

Age Group:

- 18-25
- 26-35
- 36-45
- 46 and above

Educational Background:

- Primary Education
- Secondary School
- College Degree
- Postgraduate Education
- Other (please specify) _____

Employment Duration in Your Current Position:

- Less than 5 years
- 5-10 years
- Over 10 years

Workplace:

- Zimbabwe Prisons and Correctional Services (ZPCS)
- South African Correctional Services (SACS)
- Immigration Officers
- Social Welfare
- Other (please specify) _____

SECTION B: Objective 1: Legal Frameworks and Policies

Do you believe the current legal frameworks governing the treatment of illegal immigrants are sufficient to address challenges faced by correctional services?

- Yes
- No
- Not sure

How well are international treaties and human rights laws incorporated into your country's penitentiary practices?

- Very well
- Moderately well
- Not well at all
- Not sure

In your opinion, do national laws in Zimbabwe and South Africa provide equal protection for illegal immigrants?

- Yes, they provide equal protection
- No, there are significant differences
- Not sure

SECTION C: Objective 2: Operational Challenges

To what extent do illegal immigrants impact the operational efficiency of correctional facilities in your country?

- Very significantly
- Moderately
- Slightly
- Not at all

Have you observed overcrowding as a significant issue in your facility due to the detention of illegal immigrants?

- Yes
- No
- Occasionally

Are there sufficient resources (budget, staff, infrastructure) allocated to manage the detention of illegal immigrants?

- Yes
- No
- Not sure

SECTION D: Objective 3: Human Rights and Ethical Considerations

How would you rate the treatment of illegal immigrants within your penitentiary system?

- Excellent
- Good
- Fair
- Poor
- Very Poor

Do you believe that there are instances of human rights violations (such as torture, inhumane treatment, or lack of legal protection) in the detention of illegal immigrants?

- Yes
- No
- Occasionally
- Not sure

What, if any, rehabilitation programs are in place for illegal immigrants in your facility?

Education and vocational training

- Psychological counselling
- Social reintegration programs
- None
- Other (please specify) _____

SECTION E: Objective 3: Policy and Procedural Improvements

In your opinion, which area requires the most urgent reform regarding the detention of illegal immigrants in penitentiary systems?

- Legal and legislative frameworks
- Resource allocation (staff, budget, facilities)
- Human rights protection and detainee treatment
- Rehabilitation programs
- Other (please specify) _____

How could international organizations (NGOs, UN, etc.) assist in improving conditions for illegal immigrants in correctional facilities?

- By providing funding for rehabilitation programs
- By advocating for policy reforms
- By training correctional staff
- By providing legal support to detainees
- Other (please specify) _____

SECTION F: Objective 4: General Opinion and Feedback

Based on your experience, do you think illegal immigration is managed effectively in your country's penitentiary system?

- Yes
- No
- Not sure

What improvements, if any, do you suggest for handling illegal immigrants in correctional facilities?

Any other comments or feedback you would like to provide about your experiences or suggestions related to the detention and treatment of illegal immigrants?

INTERVIEW GUIDE

APPENDIX 2

Demographic Information (Optional)

- 1. **Name:** *(Optional)*
- 2. **Position:**
- 3. **Affiliation:**
- 4. **Years of Experience:**

Section 1: Legal Frameworks and Treatment of Illegal Immigrants

How do the current legal frameworks in South Africa and Zimbabwe address the treatment of illegal immigrants within their penitentiary systems?

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.....
.....

Can you describe any significant differences in the laws and policies between South Africa and Zimbabwe regarding the handling of illegal immigrants in prisons?

.....
.....
.....

In your experience, how effectively are international treaties and national laws implemented in correctional facilities for managing illegal immigrants?

.....
.....
.....

Are there any notable gaps in the legal frameworks or inconsistencies between policy and practice when it comes to the treatment of illegal immigrants in detention?

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.....
.....

Section 2: Penitentiary Protocols and Procedures

Can you explain the intake and classification processes for illegal immigrants in the South African and Zimbabwean correctional systems?

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.....
.....

What challenges do you face in ensuring that detention conditions for illegal immigrants meet human rights standards?

.....
.....
.....

Are there differences in how South Africa and Zimbabwe manage detainees in terms of classification, detention, and rehabilitation?

.....
.....
.....

In your opinion, how well do current penitentiary protocols adhere to national and international standards when handling illegal immigrants?

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.....
.....

Section 3: Resource Management and Operational Challenges

What impact does the detention of illegal immigrants have on the available resources in your correctional facility?

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.....
.....

Do you think the budget allocations and facility capacity in either country are sufficient to handle the increasing number of illegal immigrants in detention?

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.....
.....

What operational challenges, such as overcrowding or resource shortages, do you observe in managing the detention of illegal immigrants?

.....
.....

How do resource allocation strategies differ between South Africa and Zimbabwe, and what lessons can be learned from each country's approach?

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Section 4: Human Rights Implications

What human rights concerns have you encountered in the treatment of illegal immigrants within the correctional facilities?

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.....

How do you address issues like overcrowding and inadequate detention conditions, which may violate the rights of detainees?

.....
.....

Can you share examples of cases where the human rights of illegal immigrants were compromised, and how those situations were handled?

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.....

What strategies or practices have been implemented to improve the treatment of illegal immigrants, and are they effective in protecting detainees' rights?

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Section 5: Challenges Faced by Correctional Services

What are the primary challenges faced by correctional services in managing illegal immigrants, and how are these challenges being addressed?

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.....

Do you believe staff training on immigration laws and human rights is adequate, or do you see room for improvement?

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.....

In terms of logistics, how does the management of illegal immigrants compare between South Africa and Zimbabwe?

.....
.....

Have there been successful collaborations with NGOs, and how do these collaborations help improve the treatment and rehabilitation of illegal immigrants?

.....
.....

Section 6: Policy Reform and Future Recommendations

What policy reforms would you recommend to better manage the population of illegal immigrants in correctional facilities?

.....
.....

In your opinion, what are the most urgent areas of reform within the legal and operational frameworks of both countries to improve the handling of illegal immigrants?

.....
.....

Are there any specific recommendations or best practices from either South Africa or Zimbabwe that could be implemented to improve the penitentiary management of illegal immigrants across the region?

.....
.....

How do you see the role of lawmakers and government officials in enacting changes that will address the challenges faced by correctional facilities dealing with illegal immigrants?

.....
.....

APPENDIX 3

Approval letter

BINDURA UNIVERSITY OF SCIENCE EDUCATION



FACULTY OF SOCIAL SCIENCES AND HUMANITIES

P. Bag 1020
Bindura
Zimbabwe
Tel: +263-66216229
DR. J. KUREBWA
+263772121563
jkurebwa@buse.ac.zw

DEPARTMENT OF PEACE AND GOVERNANCE

14 October 2024

TO WHOM IT MAY CONCERN

RE: REQUEST TO UNDERTAKE RESEARCH IN YOUR ORGANISATION

This serves to introducewho is a student studying for a **Master of Science in International Relations Degree** in the Department of Peace and Governance, Bindura University of Science Education. To ensure the successful completion of this programme, the student is seeking for permission to carry out research in your organisation and also engage with relevant stakeholders within your network.

For any further details pertaining to the student, do not hesitate to contact the undersigned.

Your usual co-operation and assistance will be greatly appreciated.

Yours respectfully

J. KUREBWA (DR)
Acting Chairperson



ZIMBABWE PRISONS AND CORRECTIONAL SERVICE

Telephone : 706501/2/3/4, 777384
754197,710095



Reference: R/70/24

Telegrams : "PENAL", HARARE
Fax : 754157
Email : zps@zps.gov.zw

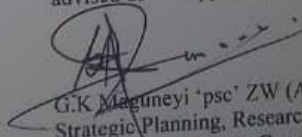
OFFICE OF THE COMMISSIONER - GENERAL
Private Bag 7718, Causeway
Harare
ZIMBABWE

23 October 2024

Shephard Mpfu
BINDURA UNIVERSITY OF SCIENCE EDUCATION

APPLICATION FOR CLEARANCE AND AUTHORITY TO CONDUCT A RESEARCH IN PRISON

1. The above subject refers.
2. You are hereby informed that your application for clearance and authority to conduct a research in the Zimbabwe Prisons and Correctional Service was approved. Your study intends to assess *'Illegal Immigrants and Their Implications in Penitentiary Protocols in SADC: A Comparative Analysis of South Africa Correctional Service and Zimbabwe Prisons and Correctional Service'*
3. You can now make arrangements for data collection with Officers in Charge Beit Bridge and Plumtree Prisons at your convenient time. During your data collection exercise, you are required to observe all the necessary rules and regulations including ethics pertaining to your study and you shall not be allowed to divulge to any unauthorised person(s) information regarding the operations of ZPCS.
4. Furthermore, on completion of your research you are required to submit both soft and hard copies of your findings to ZPCS Research and Development for the Commissioner General's information at (zpsresearchanddevelopment@gmail.com)
5. By copy of this letter, the Officer Commanding - Matabeleland South Province is advised of this approval.


G.K. Maguneyi 'psc' ZW (Assistant Commissioner)
Strategic Planning, Research & Development and Monitoring & Evaluation
to the Commissioner General
PRISONS AND CORRECTIONAL SERVICE

RESTRICTED



SHOT ON itel
AI TRIPLE CAMERA